

## Moermond, Marcia (CI-StPaul)

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**From:** Spiering, Wayne (CI-StPaul)  
**Sent:** Friday, November 22, 2013 3:57 PM  
**To:** Jaren Johnson  
**Cc:** Moermond, Marcia (CI-StPaul); Shaff, Leanna (CI-StPaul); Brett King (brettking@gmail.com); jessie@trikinproperties.com; Bob Fluegel <bob@trikin.com> (bob@trikin.com)  
**Subject:** RE: 586-588 Reaney Ave - Revocation Notice

Mr. Johnson,

The Legislative Hearing Officer, Ms. Moermond, has made a ruling on this issue and her decision has been adopted by resolution by City Council. Your client has 3 options: 1) Install a code compliant driveway by November 30, 2013 (this includes obtaining any site-plan approvals through zoning), 2) vacate the building by November 30, 2013, or 3) appeal the revocation of the fire certificate of occupancy.

You keep making reference to the approval of installing grass and a fence. Please forward me documentation that this has been approved. To my knowledge the only documentation/decision that came out of the appeal was that a code compliant driveway was required by the November 8, 2013 deadline or enforcement action would be taken (refer to the letters attached to my last e-mail).

E-mail is not the appropriate means to communicate any discussions about viable options to come into compliance contrary to the notices that your client has already received. This is your official notice that I will not be responding to any e-mails referencing such matters.

Your client may exercise the right to appeal the revocation notice. This would be the appropriate way to discuss these matters.

Thank you.



**Wayne Spiering**

***Fire Inspector***

Department of Safety and Inspections

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**From:** Jaren Johnson [mailto:[jjohnson@jk-lawoffice.com](mailto:jjohnson@jk-lawoffice.com)]

**Sent:** Friday, November 22, 2013 9:04 AM

**To:** Spiering, Wayne (CI-StPaul)

**Cc:** Moermond, Marcia (CI-StPaul); Shaff, Leanna (CI-StPaul); Brett King (brettking@gmail.com);

jessie@trikinproperties.com; Bob Fluegel <bob@trikin.com> (bob@trikin.com)

**Subject:** RE: 586-588 Reaney Ave - Revocation Notice

Wayne,

Thanks for the info (although your last paragraph on the site plan is unclear). It's my understanding the owner was unaware of the additional hearings, having assumed the issue was put to rest with the offer to grass the area over and fence off the access from the street.

One of the key issues here is that the adjacent lot for which you are ordering pavement has a separate PIN and to my knowledge is not tied to the lot with the improved structure in any manner (no development agreement, no city permitting order, no deed restriction, etc.). As such, the adjacent vacant lot it is not subject to any issues affecting the lot with the improvements. If you are aware of anything that would make the adjacent lot subject to the issues affecting the improved lot, please let me know.

I don't know why the site plan to grass over the area was not submitted more timely and I apologize on behalf of my client for this and for missing the subsequent meetings, but grassing over the adjacent lot and fencing off the street access is the only viable option.

If the city continues to take the position that the adjacent lot needs to be paved, I would respectfully request that you get the city attorney involved so we can get the issue addressed quickly and without the need for court involvement.

Jaren L. Johnson, Attorney  
Johnson King, PLLC  
Phone 612-466-0668

**MSBA Board Certified Real Property Law Specialist**

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**From:** Spiering, Wayne (CI-StPaul) [<mailto:wayne.spiering@ci.stpaul.mn.us>]

**Sent:** Thursday, November 21, 2013 4:08 PM

**To:** Jaren Johnson; Brett King ([brettking@gmail.com](mailto:brettking@gmail.com)); [jessie@trikinproperties.com](mailto:jessie@trikinproperties.com); Bob Fluegel <[bob@trikin.com](mailto:bob@trikin.com)> ([bob@trikin.com](mailto:bob@trikin.com))

**Cc:** Moermond, Marcia (CI-StPaul); Shaff, Leanna (CI-StPaul)

**Subject:** RE: 586-588 Reaney Ave - Revocation Notice

Mr. Johnson,

In response to your e-mail let me preface by saying that I was not in attendance of the appeal hearings regarding the referenced address. However, I have reviewed the notes and have spoken with the Legislative Hearing Officer, Ms. Moermond, regarding the hearings.

The answer your question, "what happened between the time at the first hearing when it was agreed that the area would be closed off and grassed over to now" can be answered by reviewing the attached correspondence that was sent as a result of each hearing.

The letter dated September 11, 2013 from Mai Vang clearly states that Ms. Moermond recommended continuing the referenced appeal to Tuesday, September 24, 2013 at 1:30pm. Ms. Moermond had requested a detailed site plan be submitted to her during this lay-over addressing the parking space, green space area, and dumpster on the property so she could consult with Public Works and Zoning Departments. No site-plan was received by Tuesday, September 24, 2013 deadline.

The letter dated September 26, 2013 clearly states upon the continuance hearing dated Tuesday, September 24, 2013 no site-plan was received. Therefore, Ms. Moermond ruled that a code compliant driveway be installed by November 8, 2013 and failure to comply would result in enforcement action.

I met Trikin Property representative, Jessie Bower and Bob Fluegel, at the property on November 8, 2013 at 10:00am. A code compliant driveway was not installed so enforcement action (revocation of the fire certificate of occupancy) was taken. Placards were placed on entry doors of each tenant advising the property must be vacated by November 30, 2013 unless the property is code compliant.

As of today a site-plan has been submitted and is in the process of being reviewed by zoning representative, Corinne Tilley. My understanding is that the submitted plan is not and will not be approved. Corrections are being noted on the site-plan and being sent back for re-submittal.

You have the right to appeal the revocation orders to the Legislative Hearing Officer should you so desire.

Thanks,



**Wayne Spiering**

***Fire Inspector***

Department of Safety and Inspections

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**From:** Jaren Johnson [<mailto:jjohnson@jk-lawoffice.com>]

**Sent:** Tuesday, November 19, 2013 1:33 PM

**To:** Spiering, Wayne (CI-StPaul); Brett King ([brettking@gmail.com](mailto:brettking@gmail.com)); [jessie@trikinproperties.com](mailto:jessie@trikinproperties.com); Bob Fluegel  
<[bob@trikin.com](mailto:bob@trikin.com)> ([bob@trikin.com](mailto:bob@trikin.com))

**Cc:** Moermond, Marcia (CI-StPaul); Shaff, Leanna (CI-StPaul)

**Subject:** RE: 586-588 Reaney Ave - Revocation Notice

Wayne,

I'm going to be getting back into this matter which I had assumed was concluded after the first hearing in September. I have an initial question of what happened between the time at the first hearing when it was agreed that the area would be closed off and grassed over to now. It was clear that grassing over the adjacent parcel (with a separate PIN) was the best course of action and the only available option under the statutes.

I am hopeful this apparent misunderstanding can be remedied quickly, but due to the timelines we will likely have to appeal numbers 2 and 3 of your order pursuant to your letter dated November 15, 2013, which was attached to your email below.

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**From:** Spiering, Wayne (CI-StPaul) [<mailto:wayne.spiering@ci.stpaul.mn.us>]  
**Sent:** Friday, November 15, 2013 3:32 PM  
**To:** Brett King ([brettking@gmail.com](mailto:brettking@gmail.com)); Jaren Johnson; [jessie@trikinproperties.com](mailto:jessie@trikinproperties.com); Bob Fluegel <[bob@trikin.com](mailto:bob@trikin.com)> ([bob@trikin.com](mailto:bob@trikin.com))  
**Cc:** Moermond, Marcia (CI-StPaul); Shaff, Leanna (CI-StPaul)  
**Subject:** 586-588 Reaney Ave - Revocation Notice

All,

Attached is the revocation notice being sent as a result of last week's re-inspection and failure to comply with the Legislative Hearing Officer's order to come into full compliance with the driveway installation and ground cover by November 8, 2013.

Along with installing a code compliant driveway and approved ground cover, a full inspection of the building will be required in order to occupy the building. This inspection is scheduled for December 2, 2013 at 12:00pm. The building must be vacated unless these orders are complied with.



**Wayne Spiering**  
***Fire Inspector***

Department of Safety and Inspections  
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