



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

OCT 07 2014

CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number Represented by SMRLS Hus no fee)
- 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

HEARING DATE & TIME
(provided by Legislative Hearing Office)

Tuesday, Oct. 21, 2014

Time 11:00 a.m.

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 559 S McNish Rd City: Saint Paul State: MN Zip: 55119

Appellant/Applicant: Leonard Anderson Email _____

Phone Numbers: Business 651 222 5863 Residence 651-738-9696 Cell _____
(Lawrence Redoney - counsel)

Signature: Lawrence Redoney on behalf of Leonard Anderson Date: 10/7/2014

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: 35 E Fifth St Suite 400, St Paul MN 55101

Phone Numbers: Business _____ Residence _____ Cell _____

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.)

As reflected in attached Sept 22, 2014 letter, Mr Anderson has asked the City for 45 days to determine whether he wants to sell the property and/or demolish the home OR do the repairs. We are actively exploring both options. Once the decision is made, we will submit a timeline and plan for the chosen alternative.

Revised 8/11/2014

September 22, 2014

Ms. Marsha Moermond
Legislative Hearing Officer
City of Saint Paul

Re: Efforts to resolve dispute between Leonard Anderson and the City of Saint Paul

Dear Ms. Moermond:

As you know, I belatedly became the attorney for Leonard Anderson in connection with his Appeal of a Notice of Condemnation of his home at 559 McKnight Road South in Saint Paul. During the appeal, Mr Anderson was represented by Mr. John Verant and Mr. Ben Shaw, but when the relationship with these attorneys ended, Mr. Anderson came to SMRLS for assistance. I first met Mr. Anderson on Friday August 29, 2014, ten days after the denial of the appeal by your office and five days before the appeal was on the agenda for the September 3, 2104 City Council meeting. The formal decision that SMRLS would represent Mr. Anderson was made on September 2, 2014, the day before the City Council meeting.

In reviewing your denial of Mr. Anderson's appeal, we saw that the "principal reason for the condemnation of the residence was that it has no water service." In short order, I was able to work with my client, you and Mr. Ludden to have water restored on September 4, 2014.

In that regard, Mr. Anderson requests that the Condemnation Placard placed on the home due to the absence of water service be removed by the City or that permission be granted for Mr. Anderson to remove the placard himself.

I spoke to you on the afternoon of September 3, 2014 with the understanding that the water would be restored the next day but also there were other repair issues that needed to be addressed. You sent me a copy of the resolution that was to be presented to the City Council on

September 3, 2014, which established a deadline of September 19, for certain repairs and a deadline of October 3, 2014. I sent you a letter back, which I understand was presented at the City Council meeting in which I promised that we would make a good faith effort to meet the City's deadlines. If we could not meet the City's deadlines, we would report to the City our efforts and request for more time.

The intent of this letter is to report to the City of our good faith efforts and report that these efforts has resulted in a two track strategy to deal with the City's concerns. As detailed below, one track would be to do the repairs outlined in the City Council resolution of September 3, 2014. This first track is described in detail by Mr. Ubl after meeting at the property, both my client and I, in a letter I requested to ensure we understood the scope of the work required by the City. Based on the feedback from Mr. Ubl and a contractor, who I invited to the meeting at the property with Mr. Ubl, the idea for a second track was born—to demolish the home and sell the bare lot.

We need more time to first decide which track Mr. Anderson will follow. We have contacted a contractor who claims to be able to provide an estimate of the time and money required to do the repairs required by the City by October 3, 2014. We have also contacted two real estate brokers about the potential sale of the property after demolition of the home. Neither broker was able to visit the home before the September 19, 2014 deadline but both are expected to visit the home and my client within the next few days. For the reasons detailed below, we are asking for 45 days to make the decision on which track to pursue. At that time, we will contact the City with Mr. Anderson's decision and a plan with a timeline to accomplish either a sale or the repairs.

We recognized that there is a lack of trust between the parties and that the parties have been at odds for a considerable period of time. One of our goals is to restore that trust by demonstrating the efforts we are making to resolve the dispute and to specifically map out a plan for progress.

I first received a copy of the resolution ultimately passed by the Council of September 3, 2014 the afternoon the September 3, 2014. It called for verification that water service had been restored by the next day. The verification was received on the next day, September 4, 2014.

The resolution states that "repairs for the eaves and soffits, exterior walls and trim and the guardrails (items 4, 5, 6 and 7) shall be completed with building inspector approval by September 19, 2014; and repairs of the roof and chimney items (items 2 and 3) shall be completed with building inspector approval by October 3, 2014." You also informed me by phone that the work needed to be done pursuant to a permit. I sent you the letter referenced above saying we would make a good faith effort to comply.

I was informed that the resolution has passed on September 4, 2014 and immediately set up a meeting with Mr. Anderson for September 5, 2014. After consulting with my client on September 5, 2014 and reviewing the history of the dispute, I had difficulty understanding the exact scope of the work being required by the City. In order to address that issue, I had a meeting with the client and a contractor working with Mr. Anderson on Sunday, September 7, 2014.

After inspecting the home and reviewing the available directions from the City, some of the work to be done was clear, yet there was still considerable ambiguity. For example, the resolution referred to "exterior walls and trim" but which areas that needed to be repaired was unclear.

The next day, I called you to get some direction and you indicated again that a permit would be needed. Whether the inspections department could or would provide further guidance was up to those departments, I was advised. I called on the same day Mr. Ubl, inspector Smith and Leanne Shaffe. Ms. Shaffe gave me some guidance in a phone conference. I also called Mr. Anderson's contractor, David Roeing, but then decided to contact another contractor who I had personal experience with, Steve Earl, for assistance. I asked him to meet with me and Mr. Anderson at the Anderson home on Wednesday, September 10, 2014.

The next morning, I spoke with inspector Smith and invited him to the meeting at the home, explaining that I wanted to make sure that we properly understood what needed to be done. Mr. Smith advised me the best person to meet with was Mr. Ubl. I had emailed and called Mr. Ubl's office. However, I then decided to go to his office in order to attempt to meet with him face-to-face on September 9, 2014. He graciously agreed to meet with me, Mr. Anderson, and contractor Steve Earl the following day.

On September 10, the meeting took place and Mr. Ubl and Mr. Anderson took us on a tour of the outside of the home and pointed out the areas that needed to be addressed. I had Mr. Earl take notes and ask the technical questions that I was not competent to ask.

On September 11, 2014, I received a letter from Mr. Ubl listing 31 separate deficiencies he said were included in the September 3, 2014 order of the City Council. I forwarded Mr. Ubl's list to contractor Steve Earl on September 12, 2014.

Steve sent me a response on the September 13, 2014, which was amended on September 22, 2014. A copy of his letter is attached. It stated that it was not possible to correct the listed deficiencies by September 19 or October 3. He agreed with you that a permit was necessary but said that he could not apply for a permit. However, he could not apply for a permit because other steps needed to be taken before a permit could be sought, mainly consultation with a structural engineer and a licensed architect.

More importantly, he generated the suggestion that was the genesis of our second track, consideration of the sale of land after the home had been demolished.

We have been pursuing both tracks since that point. When Mr. Earl informed me that he may not be the best contractor to do the listed work, I sent Mr. Ubl's letter to another contractor, Mr. Daryl Frank. He has advised me that he could get us an estimate of the time and cost of the listed repairs by October 3, 2014.

We were able to complete some simple repairs on some siding and guardrails. We have attached a photo for your convenience.

I have also since contacted several real estate brokers and spoken to Mr. Anderson about the sale of the property. Mr. Anderson has stated that he is seriously interested in selling the property and in fact had contacted a broker even before I had first met him.

I have contacted Jo Eberts who advised me she is not experienced in the sale of bare lots but referred me to Diana Winer of Cardinal Realty. Ms. Winer has advised me that she is visiting the Anderson property this week. I also contacted broker Jim Johnson, who advised me that he only deals with commercial real estate. I then contacted a broker or agent I was personally familiar with, Marilee Anderson, who then referred me to John Gladis of Caldwell Banker I spoke to Mr. Gladis earlier today. He is contacting Mr. Anderson and setting up a time to visit the property,

He also asked me to ask the City for the property zoning so he can evaluate what type of structure might be built on the property and how many lots might be sold. Is that something you can provide me, or can you direct me to the proper party to obtain the requested information? He also advised me that we will need a demotion permit if we take that course. Can you advise me who to speak to about such process? As you know, this case is not in my usual area of practice. I would appreciate any guidance you could provide. I am also grateful for the cooperation which Mr. Ubl has provided in identifying more clearing, the work that is required if the home is not demolished.

Based on the information gathered and information being sought, I propose that we get back to the City in 45 days with a decision on whether Mr. Anderson will be selling his property or repairing his home. At that time, we will submit a plan with a timeline to accomplish a final resolution of this matter.

If you have any questions or concerns, please contact me at 651-222-5861 or Lawrence.moloney@smrls.org.

Sincerely,



Lawrence Moloney



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street., Suite 220
Saint Paul, MN 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-1919
Web: www.stpaul.gov/dsi

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

325

September 29, 2014

Leonard N Anderson
559 Mcknight Rd S
St Paul MN 55119-6911

CORRECTION NOTICE

RE: 559 MCKNIGHT ROAD S
File #: 11-286321

Dear Sir or Madam:

The City of Saint Paul, Department of Safety and Inspections has inspected the above referenced property on September 29, 2014 and has determined that the following deficiencies exist in violation of the Saint Paul Legislative Code¹ (see footnote 1, below).

You are hereby notified to correct the deficiencies listed below in accordance with the appropriate codes. The Enforcement Officer will reinspect these premises on or after November 18, 2014, by which date the violations noted must be corrected. Failure to correct these deficiencies may result in the issuance of criminal charges² and/or a civil lawsuit, and possible abatement/assessment by the City. All repairs and new installations must be made in accordance with the appropriate codes. Permits may be obtained by calling 651-266-8989.

You may file an appeal to this notice by contacting the City Clerk at 651-266-8585. Any appeal must be made in writing within 10 days of this notice. (You must submit a copy of this Notice when you appeal, and pay a filing fee.)

If you have any questions or request additional information, please contact me. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to me at 651-266-1917

- 1.) The following is a list of deficiencies to be corrected reflective of orders from city council.
- 2.) Replace roofing on east roof plain over front door
- 3.) Replace roofing on the east-facing roof plain of gambrel roof
- 4.) Replace roofing on east roof plain of garage
- 5.) Repair roof sheathing, fascia boards, soffit (overhang) on east garage roof plain
- 6.) Reside house wall above garage on north gable of house
- 7.) Repair/weather seal siding on corner of house at southeast corner of upper dormer
- 8.) Repair/weather seal siding on corner of house at deck
- 9.) Caulk/seal all siding penetrations and at transitions of materials
- 10.) Repair/replace guard rail members that are in need of repair (follow load requirements of the 2007 MN State Residential code Chapter 1309)
- 11.) Repair/weather seal siding on southwest corner of house at upper dormer
- 12.) Replace roofing on west roof plain of house Flash/weather seal steel column penetrating roof Soffit missing at west side of house - repair/seal overhang from rodents & weather
- 13.) Weather seal vertical skylight on west wall
- 14.) Replace roofing at south roof plain of garage weather seal south overhang of garage - repair/seal up overhang from rodents
- 15.) Repair/replace lower, south exposed roof of garage Repair/replace west french door
- 16.) Repair/weather seal upper southeast corner of house
- 17.) Repair/weather seal lower southwest corner of house Weather seal area under habitable space at west side of house
- 18.) Repair siding around south side of house
- 19.) Walkout walls must be covered/weather tight or provide manufacture recommendations with a design showing the exposed treated plywood as a finished product
- 20.) Submit a design for grading issue on west side of house - grading drains into walkout wall of house
- 21.) Repair/weather seal corner of house on west wall
- 22.) Repair/replace soffit, fascia, siding on west side of garage
- 23.) Remove material on cantilevered joists at west side of garage
- 24.) Repair/paint/seal weather tight window on west side of garage
- 25.) Weather seal garage doors on west side of garage North end of garage –
- 26.) Replace all weather damaged framing members, sheathing.
- 27.) Reframe, re-sheath walls, rakes and overhangs. Provide structural design for cantilevered wall.
- 28.) Exterior cladding must be installed to weather seal structure.
- 29.) Replace roofing on west roof plane of garage.
- 30.) Repair overhang.
- 31.) Repair east garage door.
- 32.) Weather seal around east garage door and overhang.

Sincerely,

Ed Smith
Badge # 325

CODE ENFORCEMENT OFFICER

Footnotes:

- ¹ To see the Legislative Code go to www.stpaul.gov on the internet, click on "Departments", then click on "Department of Safety and Inspections", scroll down the page for the "Codes". Most Correction Notices derive from Chapter 34.
- ² Criminal charges can be brought on the day the violation is observed, but generally we allow time to correct unless this is a repeat violation.

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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 such 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.

cn60100 4/13