

**COON RAPIDS BOARD OF ADJUSTMENT AND APPEALS MEETING MINUTES OF
DECEMBER 5, 2019**

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, December 4, 2019, in the Council Chambers.

Members Present: Chairman Aaron VandeLinde, Commissioners Trish Thorup and Tracy Wigen

Members Absent: Commissioner Teri Spano-Madden

Staff Present: Assistant City Attorney Sami Corlew, Property Maintenance Coordinator Trevor White, Property Maintenance Inspector Laura LeVasseur, Housing Inspector Leya Drabczak, and Property Maintenance Inspector Heather Rodgers

CALL TO ORDER

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

APPROVAL OF THE DECEMBER 5, 2019, AGENDA

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER THORUP, TO APPROVE THE DECEMBER 5, 2019, AGENDA AS SUBMITTED. THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF THE OCTOBER 3, 2019, MEETING MINUTES

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, TO APPROVE THE OCTOBER 3, 2019, MEETING MINUTES AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

OLD BUSINESS

1. CASE 19-09V – SPECIAL ASSESSMENT OBJECTION – JESSICA NORTHFIELD – 10641 RIVERVIEW PLACE NW

Property Maintenance Coordinator Trevor White reported that the title company paid the special assessment and no further action is required.

NEW BUSINESS

1. CASE 19-18V – SPECIAL ASSESSMENT OBJECTION – KIMBERLY MIKULAK – 10669 HUMMINGBIRD STREET NW (Agenda item 5)

Mr. White reviewed the background on the case. He recommended that the Board recommend that the City Council affirm the \$3,600 special assessment in its entirety.

Chairman VandeLinde opened the public hearing.

Greg Erickson, 10669 Hummingbird Street NW, spoke on behalf of Ms. Mikulak. He stated that he was here previously and came into compliance since that time. He asked the Board to waive the remaining fines as he has replaced the class five material with concrete following the last discussion with the Board.

Chairman VandeLinde asked if Mr. Erickson obtained the necessary permits and completed the necessary inspections for the slab. It was confirmed that he did obtain the necessary permit and have an inspection to ensure the slab is up to City Code.

As no one further wished to speak, Chairman VandeLinde closed the public hearing.

Chairman VandeLinde asked if the last assessment was modified.

Mr. Erickson stated that the Board modified the \$1,800 assessment to \$1,200 in August. He stated that if these fees could be waived, he would pay the outstanding \$1,200 tonight.

Commissioner Wigen asked if these citations were in direct result to parking on the area that has now been paved.

Mr. White confirmed that these citations were a result of the area that has now been paved along with a boat that was parked in another location.

Commissioner Wigen commented that City staff did its job and was open to some modification. She suggested modifying the assessment from \$3,600 to \$2,400.

Commissioner Thorup suggested that the modification be equal to the modification agreed to at the last meeting, which would reduce the assessment from \$3,600 to \$2,400.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 19-18V, TO RECOMMEND THE CITY COUNCIL MODIFY THE \$3,600 SPECIAL ASSESSMENT TO \$2,400.

THE MOTION PASSED UNANIMOUSLY.

Mr. Erickson stated that he was already fined \$1,200 for parking off pavement and has since corrected the situation but is still being fined an additional \$2,400 for the same issue.

Chairman VandeLinde stated that the Board recognizing the action that has been taken but noted that proper procedure and notice was provided, and the Board is bound by Ordinance.

2. **CASE 19-19V – SPECIAL ASSESSMENT OBJECTION – BRIAN MCCORMICK – 10221 PALM STREET NW (Agenda item 6)**

Mr. White reviewed the background on the case. He recommended that the Board recommend that the City Council affirm the \$1,200 special assessment in its entirety.

Chairman VandeLinde opened the public hearing.

Brian McCormick, 10221 Palm Street NW, stated that he received a compliance notice in late August and put the property into compliance within 48 to 72 hours of the notice. He stated that he contacted the City after that time and was informed that it was a subsequent notice, but he never received the first notice. He noted that he has had problems with mail delivery in the past. He commented that he brought the property into compliance immediately upon receiving the subsequent notice and did not believe that he should be charged. He noted that because he previously had problems with mail delivery, he signed up for the delivery confirmation service through the post office. He showed records on his phone showing the dates that he receives mail and the items received. He stated that he searched on and about the date the first notice should have been received and that item is not shown. He provided the proof that the subsequent notice was delivered.

Mr. White noted that nothing had been returned as undeliverable to the City.

As no one further wished to speak, Chairman VandeLinde closed the public hearing.

Commissioner Thorup stated that it could then be construed that the second violation is the first violation and the property was found to be in compliance upon reinspection for the second notice. She stated that the post office notification does not show the mail being received at the property and does show proof that the second notification was received. She stated that she could support a modification.

Commissioner Wigen commented that if the resident would have received the first notice, he has shown proof that the issue would have been resolved immediately.

Chairman VandeLinde stated that he would lean towards rescinding the assessment.

Commissioner Wigen noted that she could also support that action.

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER THORUP, IN CASE 19-19V, TO RECOMMEND THE CITY COUNCIL RESCIND THE \$1,200 SPECIAL ASSESSMENT IN ITS ENTIRETY.

FURTHER DISCUSSION: COMMISSIONER WIGEN STATED THAT SHE IS FAMILIAR WITH THE POST OFFICE NOTIFICATION SYSTEM AND IS CONFIDENT THAT SYSTEM IS ACCURATE. SHE NOTED THAT THE RESIDENT TOOK SWIFT ACTION UPON RECEIPT OF THE SECOND NOTICE AND THEREFORE SUPPORTS RESCINDING THE ASSESSMENT.

THE MOTION PASSED UNANIMOUSLY.

3. CASE 19-21V – SPECIAL ASSESSMENT OBJECTION – LISA MELBY – 521 105TH AVE NW (Agenda item 8)

Mr. White reviewed the background on the case. He recommended that the Board recommend that the City Council affirm the \$600 special assessment in its entirety.

Chairman VandeLinde opened the public hearing.

Lisa Melby, 521 105th Avenue NW, stated that she did not understand a lot of this and previously came to City Hall to speak with staff. She stated that she has lived in Coon Rapids for over 20 years and has never had any previous citations. She stated that when she received the first citation, her sons came over to help clean out her garage and moved the trash items to the end of the driveway thinking that those passing by may pickup the items. She noted that many of the items were picked up. She stated that she received a citation three days later and had to find people to help her clear out the remaining items. She stated that she got most of the items moved off the property but received a subsequent notice for a gumball machine on the side of the home. She stated that the gumball machine was in her neighbor's yard for over 20 years and when the neighbors moved, they gave it to her and moved it to her yard. She commented that it was too heavy for her to move on her own and she was unaware that it was an issue to have that in her yard. She stated that \$600 is too much for her to afford. She noted that she had no intention to violate City Code.

Chairman VandeLinde commented that he read the information Ms. Melby submitted in the packet and noted the extenuating circumstances that Ms. Melby experienced over the summer.

Ms. Melby agreed that she had some bad things happen over the summer and was recently diagnosed with cancer again.

As no one further wished to speak, Chairman Vande Linde closed the public hearing.

Chairman VandeLinde stated that the pictures provided in the report relate to the first citation but did not notice a picture of the gumball machine.

Property Maintenance Inspector LeVasseur commented that the gumball machine was not a part of the first citation. She commented that the gumball machine and additional furniture and debris were in the backyard upon reinspection.

Mr. White confirmed that there were other household items and debris in the backyard in addition to the gumball machine for the second citation.

Commissioner Thorup referenced the photographs dated August 28th which show the items in the driveway along with vehicles and asked what was in the garage units.

Ms. Melby replied that the garage was cleaned out in its entirety. She commented that one stall houses an older vehicle and the other side had items that she was keeping along with items that she was going to give away.

Commissioner Thorup stated that some people might be inclined to keep the items in the garage until they could be disposed of properly.

Ms. Melby stated that she did not know that furniture could not be in the backyard. She thought that the citations only addressed the items in the front yard.

Commissioner Thorup stated that Ms. Melby could have called and spoken with City staff to gain additional clarification and explain her situation which could have allotted additional time.

Ms. Melby commented that the brush pile was a result of a recent storm and cleanup of that debris.

Chairman VandeLinde commented that it seems the items that people did not want were moved to the backyard along with the debris pile from the storm. He stated that the citations clearly state what must be moved but does not specifically note the front or back yard.

Mr. White explained that the citation states items that are not allowed as exterior storage.

Chairman VandeLinde commented that he could see how someone would think moving the items from the front to the back, where they cannot be seen would resolve the issue.

Ms. Melby confirmed that the gumball machine has been removed from the property as well.

Commissioner Wigen commented that City staff did its job and the resident confirmed that she received both citations.

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER THORUP, IN CASE 19-21V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$600 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

4. CASE 19-14V – SPECIAL ASSESSMENT OBJECTION – OLAWUNMI OLUKOYA-ISHOLA – 12125 LARCH STREET NW (Agenda item 1)

Mr. White reviewed the background on the case and the recommendation for the Board to recommend that the City Council affirm the \$300 special assessment in its entirety.

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER THORUP, IN CASE 19-14V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

5. CASE 19-15V – SPECIAL ASSESSMENT OBJECTION – AMY AND CRAIG KEY – 944 112TH AVENUE NW (Agenda Item 2)

Mr. White reviewed the background on the case. He recommended that the Board recommend that the City Council affirm the \$300 special assessment in its entirety.

Chairman VandeLinde commented that it seems the resident has been a rental property owner for some time without requirement of a criminal background check.

Housing Inspector Leya Drabczak provided additional information on the renewal process for rental properties. She noted that previously only Amy Key was listed as the property owner, but then Craig Key was added as a property owner and that flagged the need for his background check. She noted that staff removed a \$600 assessment in its entirety.

Commissioner Thorup asked if arrangements could have been made if Mr. Key contacted City staff prior to the date for compliance on the citation.

Ms. Drabczak confirmed that staff would have been willing to make arrangements for additional time if Mr. Key would have called to speak with City staff.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 19-15V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

6. CASE 19-16V – SPECIAL ASSESSMENT OBJECTION – KENNETH ZAMORA – 10927 NORWAY STREET NW (Agenda item 3)

Mr. White reviewed the background on the case. He recommended that the Board recommend that the City Council affirm the \$600 special assessment in its entirety.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 19-16V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$600 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

7. CASE 19-17V – SPECIAL ASSESSMENT OBJECTION – JOSHUA LINDEN – 12202 LILY STREET NW (Agenda item 4)

Mr. White reviewed the background on the case. He recommended that the Board recommend that the City Council affirm the \$150 special assessment in its entirety.

Chairman VandeLinde asked if the property owner is responsible for mowing that or the County.

Mr. White confirmed that the residents are responsible for the mowing of that boulevard grass.

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER THORUP, IN CASE 19-17V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$150 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

8. CASE 19-20V - SPECIAL ASSESSMENT OBJECTION - IMMACULATE OBURO - 10521 AVOCET ST NW (Agenda item 7)

Mr. White reviewed the background on the case. He recommended that the Board recommend that the City Council affirm the \$300 special assessment in its entirety.

Chairman VandeLinde asked and received confirmation that the resident had cut the grass after the reinspection date but before the mowing crew arrived, which was still past the deadline on the citation.

Commissioner Thorup stated that she wished the property owner would have attended tonight as it is unclear when she closed on the property and whether she was living at the property.

Mr. White replied that Anoka County records show the property owner as the owner of record as of May 10th.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 19-20V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

9. CASE 19-22V – SPECIAL ASSESSMENT OBJECTION – CHIA XIONG – 2445 NORTHDAL BLVD NW

Mr. White reviewed the background on the case. He recommended that the Board recommend that the City Council affirm the \$300 special assessment in its entirety.

Chairman VandeLinde stated that the resident complained about a short timeline and asked the length of time allowed by the City.

Mr. White stated that the citation allows ten days, but the resident was provided an additional seven days above that.

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER THORUP, IN CASE 19-22V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

10. CASE 19-23V – SPECIAL ASSESSMENT OBJECTION – HAMILTON KULEE – 9765 JUNIPER ST NW

Mr. White reviewed the background on the case. He recommended that the Board recommend that the City Council affirm the \$1,800 special assessment in its entirety.

Commissioner Thorup asked if Mr. Kulee is the tenant or property owner.

Mr. White confirmed Mr. Kulee to be an owner of the property noting that the other resident listed is his wife.

Commissioner Thorup asked if Ms. Vasquez was a previous owner/tenant.

Mr. White stated that could have been a previous property owner and confirmed that the citations included in the case resulted from Mr. Kulee and his wife as they purchased the property in 2016.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 19-23V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$1,800 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

11. CASE 19-24V – SPECIAL ASSESSMENT OBJECTION – RODNEY OIEN – 3825
122ND AVE NW

Mr. White reviewed the background on the case. He recommended that the Board recommend that the City Council affirm the \$2,700 special assessment in its entirety.

Chairman VandeLinde asked if another special assessment would still be pending because it did not meet the deadline.

Mr. White confirmed that if the resident appeals the last assessment, that would come forward to the Board in a separate case.

Property Maintenance Inspector Heather Rodgers confirmed that staff had spoken with the resident to explain the junk vehicle ordinance and other regulations.

Commissioner Wigen commented that it does not appear there was much communication from the property owner.

Mr. White confirmed that the Building Official made several attempts to communicate with the property owner and there was very minimal response.

Commissioner Thorup commented that if that is a covered porch the resident could have simply screened them and been done with it, but the broken glass and tape is unsafe.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 19-24V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$2,700 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

12. ADJOURNMENT

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, TO
ADJOURN THE MEETING AT 8:05 P.M. THE MOTION PASSED UNANIMOUSLY.

Respectfully submitted,

Amanda Staple

Board of Adjustment and Appeals Secretary