

**LAUDERDALE CITY COUNCIL MEETING AGENDA  
6:00 P.M. THURSDAY, AUGUST 16, 2012  
LAUDERDALE CITY HALL, 1891 WALNUT STREET**

The City Council is meeting as a legislative body to conduct the business of the City according to Robert's Rules of Order and the Standing Rules of Order and Business of the City Council. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. **CALL THE MEETING TO ORDER**
2. **ROLL CALL**
3. **APPROVALS**
  - a. Agenda
4. **CONSENT**
5. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**
6. **INFORMATIONAL PRESENTATIONS / REPORTS**
7. **HEARINGS**
  - a. Rental Housing License Held by Giese Rice Creek, LLC., Owner of 1954 Malvern Street
8. **DISCUSSION / ACTION ITEMS**
9. **ITEMS REMOVED FROM THE CONSENT AGENDA**
10. **ADDITIONAL ITEMS**
11. **SET AGENDA FOR NEXT MEETING**
  - a. 2013 Budget Discussion
  - b. Open Burning Ordinance Discussion
  - c. Visit by County Sheriff Matt Bostrom – September 11
12. **WORK SESSION**

Any member of the public may speak at this time on any item not on the agenda. In consideration for the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address, and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person

having the floor shall be permitted to enter any discussion without permission of the presiding officer.

Your participation, as prescribed by the Robert's Rules of Order and the standing rules of order and business of the City Council, is welcomed and your cooperation is greatly appreciated.

### 13. **ADJOURNMENT**

**Kennedy**

&

**Graven**

**CHARTERED**

Ronald H. Batty  
470 US Bank Plaza  
200 South Sixth Street  
Minneapolis MN 55402

(612) 337-9262 telephone  
(612) 337-9310 fax  
rbatty@kennedy-graven.com  
<http://www.kennedy-graven.com>

## **MEMORANDUM**

To: Mayor and Members of the City Council

From: Ron Batty, city attorney

Date: August 14, 2012

Re: Consideration of Adverse Action Regarding Rental Housing License for 1954 Malvern Street

At its meeting on August 16, 2012, the city council will conduct a hearing regarding the rental housing license for the property located at 1954 Malvern Street. Code section 9-11-1 provides that the purpose of the city's rental licensing ordinance is to prevent rental units from becoming a nuisance to the neighborhood, an influence that fosters blight and deterioration or one which creates a disincentive to reinvest in the community. That section states that the operation of rental residential properties is a business enterprise that entails certain responsibilities. Code section 9-11-6 A makes it clear that the property owner is responsible for violations of duties and obligations under the ordinance even if those obligations are shared by the occupants of the rental units.

City code section 9-11-10 A imposes on the owner of a licensed rental dwelling an obligation to ensure that the persons living in the rental unit or units refrain from disorderly activities on the premises. That section cites numerous state statutes and city ordinances, the violation of which constitutes disorderly activity. A copy of the ordinance is attached to this memorandum for your reference.

The ordinance provides for notice to the property owner following each incident of disorderly activity. Upon the occurrence of three disorderly incidents within a three-month period of time, the city administrator is required to initiate a hearing before the city council. By letter to Mr. Giese dated August 3, 2012, the city administrator notified Mr. Giese that there had been three disorderly incidents at 1954 Malvern within less than a three-month period. The dates and general nature of those incidents are specified in the August 3rd letter. (There have actually been several other incidents involving 1954 Malvern since the beginning of the year.) Additional details are specified in the St. Anthony police department reports concerning the incidents, all of which are included in your packet and made part of the record.

The purpose of the hearing, as specified in code section 9-11-10 E 1, is to consider whether the rental dwelling license should be denied, revoked, suspended or not renewed. The city council is required to hear all relevant evidence and arguments and review all testimony, documents and other evidence submitted at the hearing. The owner and/or the owner's representative must be given an opportunity to present evidence and address the council on the matter. The council has discretion as to whether to allow other parties to present evidence at the hearing but all such evidence must be relevant to the matter at hand. In conducting the hearing, the city council acts in a quasi-judicial capacity, i.e., it is weighing evidence in a specific case, rather than setting public policy as it does in its legislative capacity. The idea is to provide a fair opportunity for all relevant facts to be presented and for the council to decide, based on the preponderance of the evidence, what action, if any, should be taken regarding the rental license. The preponderance of the evidence means determining the relative weight of the evidence or deciding what is more likely to be the case than not.

If the council determines that it will revoke, suspend or not renew the rental license (denial is irrelevant at this time), it must make findings and issue a written decision within 30 days of the hearing. My recommendation is that the council not attempt to do so the night of the hearing. I suggest that the council direct city staff to prepare a document which includes the findings articulated by the council. The staff will then draft a resolution or similar document which may be adopted, with or without modifications, by the council at another meeting within 30 days. While the staff will ensure that the resolution is in proper form, it is important that it be based on the reasons given by council members regarding their action. In other words, a council member might say "I recommend that the city take action X regarding the rental license because the property has become a nuisance for the following reasons" and then list his or her reasons. Those reasons should be based on the evidence in the record. Other members may add or modify the list of reasons or make a different motion. Staff should produce a document thereafter which reflects the reasons articulated by a majority of the council and which the council may formally adopt at a subsequent meeting. The council may also continue the hearing to a later date if it believes additional time is necessary to evaluate evidence presented on August 16<sup>th</sup>.

The city council has broad discretion in fashioning a remedy it deems appropriate based on the evidence at the hearing. Without attempting to limit those actions, the following is at least a partial list of potential actions:

1. Revoke or suspend the license effective immediately. (As a practical matter, this implies an effective date 30-45 days thereafter in order to allow the tenants to find another dwelling.)
2. Revoke or suspend the license effective at some later date, say 60-90 days thereafter.
3. Revoke or suspend the license but delay its effective date to give the owner an opportunity to demonstrate he has taken appropriate measures to prevent further disorderly incidents.
4. Indicate that the license will not be renewed for 2013 unless certain conditions are met prior to December 31.
5. Take no action.

I will be in attendance at the hearing and will be available to assist the council in conducting the hearing and formulating an appropriate response.

RHB:peb



<b>Involvement:</b> Mentioned	<b>Name:</b> Crosby, Frank B	<b>Sex:</b> M	<b>Race:</b> B	<b>Height:</b> 0	<b>Weight:</b> 0
<b>Age:</b> 27					
<b>Eye Color:</b> BRO		<b>Hair Color:</b> BLK			
<b>Involvement:</b> Resident	<b>Name:</b> Mehrete, Orasa Lee	<b>Sex:</b> F	<b>Race:</b> B	<b>Height:</b> 507	<b>Weight:</b> 155
<b>Age:</b> 26					
<b>Address:</b> 1954 MALVERN ST	<b>City:</b> Lauderdale	<b>State:</b> MN	<b>Zip:</b> 55113	<b>Country:</b>	

**Supplemental Report**

**ICR:** 12000370

01-14-2012 1909

**Title:** Warrant Arrest

**Created By:** Jeronimo Yanez

On 01/13/2012 at 2323 hours, Officer Johnson, myself, and Officer Sunde were dispatched to a loud party complaint at 1954 Malvern St. in Lauderdale, MN. Upon parking several houses away, we could hear loud music coming from the lower unit at 1954 Malvern St. As we approached the residence we confirmed the loud music was coming from the lower unit.

I called dispatch to get a telephone number from the RP but they were unable to reach the RP or get a valid phone number.

We gained entry from a tenant that lives in the above unit. I then pounded on the door and advised the people inside it was the St. Anthony Police. The tenant opened the door and I advised her of why we were there. She allowed us inside to speak to them. We Ided all six of the subjects that were inside.

After running warrant checks on all of the subjects, I confirmed with Data that Maranda Renee Pratt [REDACTED] and La'Shawtrud Nicole Asmar [REDACTED] had active Misdemeanor Warrants out for their arrest. We advised the two subjects they were under arrest and that they would be transported to the Hennepin County Jail.

Reserve Officer Tyler Wakasugi then transported the two females to the Hennepin County Jail.

We advised the homeowner on the noise complaint and told her to keep the music down.

## ST. ANTHONY POLICE DEPARTMENT INCIDENT REPORT

<b>ICR#</b> 12002382	<b>AGENCY ORI#</b> MN0272000	<b>JUVENILE:</b>
<b>INCIDENT</b>	<p><b>Reported:</b> 03-20-2012 0047    <b>First Assigned:</b>2249    <b>First Arrived:</b>2249    <b>Last Cleared:</b>2327  <b>Committed Start:</b> 03-19-2012 2249    <b>Committed End:</b> 03-19-2012 2327  <b>Title:</b> Disturbance    <b>How Received:</b> Visual  <b>Summary:</b>                  Observed 2 suspicious occupied vehicles - I could hear yelling and screaming by several males and females. All parties were uncooperative and it is unknown if an assault took place. All parties were strongly advised and sent.  <b>Location(s)</b>  <b>Address:</b> 1954 MALVERN ST                      <b>City:</b> Lauderdale                      <b>State:</b> MN                      <b>Zip:</b> 55113                      <b>Country:</b> USA  <b>Custom Attributes</b></p>	
<b>OFFICERS</b>	<p><b>Officer Assigned:</b> Mangseth, Jon                      <b>Badge No:</b> 132                      <b>Primary:</b> No  <b>Officer Assigned:</b> Sunde, Tressa                      <b>Badge No:</b> 138                      <b>Primary:</b> No  <b>Officer Assigned:</b> Johnson, Daniel                      <b>Badge No:</b> 133                      <b>Primary:</b> No  <b>Officer Assigned:</b> South, Jim                      <b>Badge No:</b> 143                      <b>Primary:</b> Yes</p>	
<b>MOC</b>	<p><b>MOC:</b> SA9819    <b>Literal:</b> DISTURBANCE/LOUD (fireworks, shots heard, parties, etc)                      <b>Statute:</b> UCR:  <b>Name(s)</b>                  Last Name: Beal                      First: Johnita                      Middle: Valendria                  Last Name: Jackson                      First: Dashawn                      Middle: Jermaine                  Last Name: Mack                      First: Daniel                      Middle: Jerod                  Last Name: Robinson                      First: Brandon                      Middle: Breed                  Last Name: Williams                      First: Michael                      Middle: Tavon</p>	
<b>NAMES</b>	<p><b>Involvement:</b> Mentioned                      <b>Name:</b> Beal, Johnita Valendria  <b>Age:</b> 20                      <b>Sex:</b> F                      <b>Race:</b> W                      <b>Height:</b> 509                      <b>Weight:</b> 165  <b>Address:</b> 4150 COLFAX AVE N AP                      <b>City:</b> MPLS                      <b>State:</b> MN                      <b>Zip:</b> 55412                      <b>Country:</b></p> <hr/> <p><b>Involvement:</b> Mentioned                      <b>Name:</b> Jackson, Dashawn Jermaine  <b>Age:</b> 19                      <b>Sex:</b> M                      <b>Race:</b> B                      <b>Height:</b> 509                      <b>Weight:</b> 125  <b>Address:</b> 4509 36 1/2 ST #106                      <b>City:</b> ST LOUIS PARK                      <b>State:</b> MN                      <b>Zip:</b> 55416                      <b>Country:</b>  <b>Hair Color:</b></p> <hr/> <p><b>Involvement:</b> Mentioned                      <b>Name:</b> Mack, Daniel Jerod  <b>Age:</b> 18                      <b>Sex:</b> M                      <b>Race:</b> B                      <b>Height:</b> 600                      <b>Weight:</b> 180  <b>Address:</b> 12694 74TH AVE N                      <b>City:</b> MAPLE GROVE                      <b>State:</b> MN                      <b>Zip:</b> 55369                      <b>Country:</b>  <b>Hair Color:</b></p> <hr/> <p><b>Involvement:</b> Mentioned                      <b>Name:</b> Robinson, Brandon Breed  <b>Age:</b> 20                      <b>Sex:</b> M                      <b>Race:</b> B                      <b>Height:</b> 511                      <b>Weight:</b> 150  <b>Address:</b> 2915 Aldrich Ave N                      <b>City:</b> Minneapolis                      <b>State:</b> MN                      <b>Zip:</b> 55411                      <b>Country:</b>  <b>Phone:</b> (Cell) (612)227-8639</p> <hr/> <p><b>Involvement:</b> Mentioned                      <b>Name:</b> Williams, Michael Tavon  <b>Age:</b> 18                      <b>Sex:</b> M                      <b>Race:</b> B                      <b>Height:</b> 511                      <b>Weight:</b> 195  <b>Address:</b> 8561 TELFORD LN N                      <b>City:</b> BROOKLYN PARK                      <b>State:</b> MN                      <b>Zip:</b> 55445                      <b>Country:</b></p>	

<b>Eye Color:</b> BLK <b>Hair Color:</b>	
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<b>Involvement:</b> Resident	<b>Name:</b> Mehrete, Orasa Lee
<b>Age:</b> 26	<b>Sex:</b> F <b>Race:</b> B
<b>Address:</b> 1954 MALVERN ST	<b>City:</b> Lauderdale <b>State:</b> MN <b>Zip:</b> 55113 <b>Country:</b>

**Supplemental Report**

**ICR:** 12002382

03-20-2012 0455

**Title:** Disturbance

**Created By:** Jim South

On 3-19-12 at approximately 2249 hrs, while on routine patrol, Squad 6921 (Officer South) had observed 2 suspicious occupied vehicles near 1954 Malvern St. I positioned my squad so I could observe the activity of the occupants. I observed all 7 to 8 occupants exit their vehicles and walk to the driveway of 1954 Malvern St. Once in the driveway a few people from the lower unit of that address came out and an argument began to take place. I could hear yelling and screaming by several males and females. I notified dispatch of my location and asked for assistance.

I then drove to the driveway and exited my vehicle. A few people went inside the house and others went to their vehicles. All parties were uncooperative and it is unknown if an assault took place. All parties were strongly advised and sent.



# *City of Lauderdale*

*The Island in the Metro*

CITY HALL  
1891 WALNUT STREET  
LAUDERDALE, MN 55113  
651-792-7650  
FAX 651-631-2066

Allan Giese  
Giese Holding, LLC  
9551 Marshall Road  
Eden Prairie, MN 55347

Dear Mr. Giese,

St. Anthony Police reported an incident involving the lower unit of your rental property at 1954 Malvern Street on March 19. The officer observed an argument break out in front of the property with the parties involved yelling and screaming at each other. As the parties involved were uncooperative, I do not know the nature of the argument but this indecent is a violation of the city's rental housing ordinance.

Please address the violation immediately and continue to monitor the situation and take any steps necessary to bring the unit within code compliance and prevent further violations. If another instance occurs within three months, you will be required to submit a written report outlining the actions taken and proposed to be taken in order to prevent further disorderly use of the premises.

If you have any question about this letter, please call City Hall at 651-792-7650. City staff is available to answer your questions.

Sincerely,

Kevin Kelly  
Deputy City Clerk





received a call from Meghete but she insisted she called. It was later determined that she had called 911 and was connected to Minneapolis Dispatch who thought she had told them a different address which their officers determined to be a non valid address. We asked Meghete what had happened. Meghete stated that there were approximately five to six males who showed up at her house and began arguing in the front yard. She said she got scared as her 10 year old daughter Jazeah was home with her. She stated that was when she called 911.

I was able to speak to her daughter who was very scared. I asked her if she could tell me what had happened. She said she was asleep in her room when she heard a loud bang. She said it woke her up and she could hear two boys arguing. She said she then heard another loud bang and that when she went out into the living room she saw two boys fighting. She said she got scared and ran upstairs to the neighbors apartment. While I was speaking with the girl her mother kept yelling at her to get downstairs.

Officer Johnson informed me that when he spoke to Minneapolis dispatch they told him that the caller, Meghete, had told them that she wanted to have, Willie, the victim, removed. When we asked Meghete who the men were that were there she said she only knew one of them. She said the driver of the white Tahoe was "Alonzo". She said this is the only way she knew him and did not know his last name. She also said she had his phone number but did not want to share it with us.

Meghete was very uncooperative during the entire process. She was intoxicated and was yelling and screaming at us claiming that she was the victim. We believe Meghete knows a lot more than the information which was given. Meghete would not allow us into her house to see if there was anyone else in the house.

Meghete was very upset that it took us so long to get there after she had called 911. We explained to her the process of a 911 call when you make it from a cell phone and advised her that she needs to specify where she is and what county she needs to speak to.

I then spoke with the RP, [REDACTED]. I asked [REDACTED] what he saw. [REDACTED] stated that he was startled when his doorbell started ringing and he heard a male yelling and pounding on his door asking for someone to call police. He said he looked outside and saw the male with no shirt on and immediately called 911. [REDACTED] stated he has observed people coming and going from the area at all hours of the night for a few months now and says the house appears to be becoming a problem. The house had blood all over it and I advised him he was free to wash it off as we did not need to keep it there for any reason. Due to the fact that we have limited suspect information at this time and all parties involved were uncooperative this report is being forwarded to investigations.

Officers searched the area for the weapon used in the assault and were unable to locate a 2x4 in the area. We did locate a damaged brown and red Boost Mobile Motorola Cell phone on the ground in the driveway. I was able to retrieve the number which is 763-225-7074. The phone has been properly inventoried.

#### Supplemental Report

ICR: 12003905

05-10-2012 1448

Title: Informational

Created By: Tim Briski

On 5/10/12 I (Briski) ran the white Tahoe MN Lic 2AD201. It registered to a w/m in his 50's from Lakeville. It was flagged hold for resale listing Brothers Sales Inc in St Paul. I looked up a phone number for Brothers of 651 641-1516. I called and found that MN Lic 2AD201 was sold to Nakeisha Lynn Barnett [REDACTED] on 4/27/12. Nakeisha's address is 1414 Plymouth Ave N #108 Mpls, MN 55411. I obtained her phone number as 612 747-5103.

On 5/10/12 Capt Cotroneo and I went to 1414 Plymouth to talk to Nakeisha to see who was driving her truck last night. An adult female babysitter answered the door. She said Nakeisha was at work.

She did not know where she works or have a way to contact her. She confirmed that she does still own a white Tahoe.

I left my business card and requested she have Nakeisha contact me or someone in investigations.

**Supplemental Report**

**ICR:** 12003905

05-18-2012 0622

**Title:** Information

**Created By:** Elliot Erdman

On 05/17/12 at 2231 Hrs, I (Erdman) was conducting routine patrol activities in the City of Lauderdale. At that time, I observed a white GMC Yukon (MN#2AD201) in the driveway of 1954 Malvern St. The vehicle matched the description of one of the suspect vehicles.

As I drove closer to the residence, I observed a BM, approximately 6'2" -6'4" , 220 Lbs, wearing a blue shirt and dark colored shorts. The male had locked the vehicle and walked in to the open overhead garage at 1954 Malvern St. The female resident, Orasa Mehrete was standing next to the male.

I stopped my squad car in front of the residence and exited my squad car. I asked the male to come over and speak with me. The male ignored my request, shut the over head garage door, and went in to the residence at 1954 Malvern. Moments later, I observed the lights inside the residence to be turned off. Clear /report. Information forwarded to investigations.

**Supplemental Report**

**ICR:** 12003905

05-22-2012 1417

**Title:** Medical

**Created By:** Tim Briski

As of 5/22/12 I have not heard back from the victim in this case. The R/O of the suspect vehicle has not provided info on who had her truck. I am closing this case.

*City of Lauderdale*  
*The Island in the Metro*

CITY OF LAUDERDALE  
LAUDERDALE CITY HALL  
1891 WALNUT STREET  
LAUDERDALE, MN 55113  
651-792-7650  
651-631-2066 FAX

May 10, 2012

Allan Giese  
Giese Rice Creek, LLC  
9551 Marshall Road  
Eden Prairie, MN 55347

Dear Mr. Giese,

As we discussed by phone this morning, there was a serious assault at 1954 Malvern last night (lower unit). This disorderly use of the property is in violation of the Rental Housing License Provisions.

Consider this your second violation notice per city code Title 9, Chapter 11. Per ordinance, you have 5 days to file a written report detailing the actions you plan to take to prevent further violations. I know from our discussion this morning that you plan to evict the tenants; I will need to receive this in writing. Failure to file the report or maintain compliance will result in a third violation notice. As you know, a third violation will lead to the denial, revocation, or suspension of your rental housing license.

The police report I email to you this morning follows. If you have any question about this letter, please call me at 651-792-7657.

Sincerely,

Heather Butkowski  
City Administrator

## **Heather Butkowski**

---

**From:** Heather Butkowski  
**Sent:** Thursday, May 17, 2012 8:02 AM  
**To:** 'Allan Giese'  
**Subject:** RE: Problem Property Report - 1954 Malvern

Thank you, Allan. I will share this with the City Council.

**From:** [allan@g4investments.net](mailto:allan@g4investments.net) [mailto:[allan@g4investments.net](mailto:allan@g4investments.net)] **On Behalf Of** Allan Giese  
**Sent:** Wednesday, May 16, 2012 5:00 PM  
**To:** Heather Butkowski  
**Subject:** Problem Property Report - 1954 Malvern

Hi Heather,

### **05/16/2012 Management Plan for Giese Rice Creek, LLC & Allan Giese**

**Address: 1954 Malvern St, Unit 1**

#### **Immediate action for current tenants:**

- The tenant has been given a final warning and has signed a drug free/crime free rider. At this time, an eviction would result in a permanent loss of the tenant's Section 8 voucher. As an alternative, we have advised the tenant to seek another property to rent immediately. We will let her out of her lease early without penalty, and she will not lose her housing voucher.

**Upon termination or expiration of current tenant's lease Giese Rice Creek, LLC will be taking the following actions to prevent further disorderly conduct on the premises:**

#### **Screening -**

- Allan Giese will be personally meeting and interviewing all potential tenants.
- If a tenant has interest in renting the property they will be required to fill out an application for rental which includes person's names and ages that will be residing in the residence, place of employment, past place of residence, past landlord name and numbers, and references. Any applicant over the age of 16 will give consent for criminal background check, rental reference check, and unlawful detainer check.
- We have hired a screening company (Rental Research Services) to do a background check on all potential renters. Their background checks include credit check, eviction check, criminal background

check, personal references, work references, and past rental references for the past 5 years. The applicant will be charged a fee of \$35.00 to coincide with the fee of the screening agency

### **Acceptance -**

- We will not accept renters with any applicant with felony charges or Unlawful Detainers.
- All occupants over the age of 16 must be listed on the lease. No additional people shall live there, including visiting family, baby-sitters, & guests. Any additional occupants may be cause for lease termination
- Any applicant providing false or incomplete information will be rejected

### **Lease Provisions -**

- Rental License holder will employ a month to month lease unless otherwise required by Section 8 or other government housing agency.
- Rental License holder will use the Crime Free Lease Addendum. Crime Free Lease Addendum will be signed by all new and existing tenants. Existing tenants who decline to sign the addendum will be required to sign when their lease is renewed.

### **Monitoring -**

- Landlord or his/her agent will conduct an inspection walk through of the unit with new tenants prior to their possession of the unit. Landlord will document the condition of the unit through photographs and have the new tenant sign off on the unit's condition
- Landlord or his/her agent will inspect all newly rented units within seven days of the move-in date. Thereafter, complete on-site inspections will be conducted at least once every three (3) months during the first year of tenancy.
- Landlord or agent will drive-by the property weekly and stop-in at least once monthly. Landlord will continue to build an ongoing relationship with the neighbors to be notified in case of problems or concerns. Landlord will note and address any potential violations of the City Housing Code of Ordinances.
- Landlord, through these monitoring techniques, will keep close watch over the property and be alert to violations of the Rules of Conduct and/or other activities that threaten the status of the rental license. Landlord will take appropriate steps to prevent potential violations and abate definitive violation.

### **Sanctions -**

- Any violation by the tenants, family members, or their guests, of the Crime Free Lease Addendum will result in the tenant's eviction.
- Residents shall be responsible for the conduct of their guests and family members. Residents are liable for all violations of their lease or Rules of Conduct and damage caused by their guests, family members, dependents or themselves. Any lease violation will result in eviction and/or other remedies deemed appropriate. Landlord will provide written warning to tenants of any lease or conduct violations not resulting in immediate evictions.



## **Education & Community Involvement –**

- Rental License Holder shall provide the publication “Landlords and Tenants Right and Responsibilities” to all current and future tenants. This publication is available free of charge from the Office of the State of Minnesota Attorney General
- Landlord's designated Property Manager (Trilogy Properties) will attend any scheduled block meetings to address any concerns and/or answer questions.

Allan Giese  
612-819-3086

## ST. ANTHONY POLICE DEPARTMENT INCIDENT REPORT

<b>ICR#</b> 12005202	<b>AGENCY ORI#</b> MN0272000	<b>JUVENILE:</b>
<b>INCIDENT</b>	<b>Reported:</b> 06-16-2012 2119 <b>First Assigned:</b> 2058 <b>First Arrived:</b> 2059 <b>Last Cleared:</b> 2114 <b>Committed Start:</b> <b>Committed End:</b> <b>Title:</b> Disturbance <b>How Received:</b> Radio <b>Summary:</b> RP reported two males in a heated argument. Located one male who stated that he left the area because he did not want to become involved in anything more than what was escalating. and not return to the residence. Subject did not have any physical signs that he had been involved in a physical altercation. Assisted/Advised.  <b>Location(s)</b> <b>Address:</b> 1954 Malvern St <b>City:</b> Lauderdale <b>State:</b> MN <b>Zip:</b> 55113 <b>Country:</b> USA <b>Custom Attributes</b>	
<b>OFFICERS</b>	<b>Officer Assigned:</b> Sunde, Tressa <b>Badge No:</b> 138 <b>Primary:</b> No <b>Officer Assigned:</b> Yanez, Jeronimo <b>Badge No:</b> 151 <b>Primary:</b> Yes	
<b>MOC</b>	<b>MOC:</b> SA9819 <b>Literal:</b> DISTURBANCE/LOUD (fireworks, shots heard, parties, etc) <b>Statute:</b> UCR: <b>Name(s)</b> <b>Last Name:</b> Gresham <b>First:</b> Dion <b>Middle:</b> James	
<b>NAMES</b>	<b>Involvement:</b> Anonymous Complainant  <hr/> <b>Involvement:</b> Subject <b>Name:</b> Gresham, Dion James <b>Age:</b> 29 <b>Sex:</b> M <b>Race:</b> B <b>Height:</b> 603 <b>Weight:</b> 170 <b>Address:</b> 4557 MADISON ST NE A <b>City:</b> COLUMBIA HEIGHT <b>State:</b> MN <b>Zip:</b> 55421 <b>Country:</b> <b>Hair Color:</b>	

**Supplemental Report**

ICR: 12005202 06-16-2012 2126  
 Title: Disturbance **Created By:** Jeronimo Yanez

On 06/16/12 at 2058 hours, Officer Sunde and myself (Officer Yanez) were dispatched to the area of 1954 Malvern St. for males arguing. Upon arrival, I encountered Dion James Gresham walking SB on Malvern St. from the area. I approached Gresham and simply asked him what was going on. Gresham appeared to be agitated in his demeanor and the way he answered my question. I then asked him what was going on and he stated that he was involved in a heated argument with his cousin. Gresham stated that he then left the area because he did not want to become involved in anything more than what was escalating. Gresham then stated that his cousin left the residence in an unknown vehicle in an unknown direction. Gresham then advised me that he was going to get picked up by another friend and not return to the residence.

Gresham did not have any physical signs that he had been involved in a physical altercation.  
 Gresham was very argumentative and would not cooperate with our investigation. We then cleared from the call.

## ST. ANTHONY POLICE DEPARTMENT INCIDENT REPORT

<b>ICR#</b> 12005442	<b>AGENCY ORI#</b> MN0272000	<b>JUVENILE:</b>
<b>INCIDENT</b>	<b>Reported:</b> 06-24-2012 0100 <b>First Assigned:</b> 0100 <b>First Arrived:</b> 0102 <b>Last Cleared:</b> 0122 <b>Committed Start:</b> 06-24-2012 0100 <b>Committed End:</b> <b>Title:</b> Disturbance/Noise Complaint <b>How Received:</b> Radio <b>Summary:</b> RP reported someone banging on their door and front window. Located upstairs resident - assisted/advised. <b>Location(s)</b> <b>Address:</b> 1954 MALVERN ST <b>City:</b> Lauderdale <b>State:</b> MN <b>Zip:</b> 55113 <b>Country:</b> USA <b>Custom Attributes</b>	
<b>OFFICERS</b>	<b>Officer Assigned:</b> Sunde, Tressa <b>Badge No:</b> 138 <b>Primary:</b> No <b>Officer Assigned:</b> Lebens, Mark <b>Badge No:</b> 123 <b>Primary:</b> Yes	
<b>MOC</b>	<b>MOC:</b> SA9819 <b>Literal:</b> DISTURBANCE/LOUD (fireworks, shots heard, parties, etc) <b>Statute:</b> UCR: <b>Name(s)</b> <b>Last Name:</b> Glauvitz <b>First:</b> Jody <b>Middle:</b> Lee	
<b>NAMES</b>	<b>Involvement:</b> Suspect <b>Name:</b> Glauvitz, Jody Lee <b>Age:</b> 40 <b>Sex:</b> F <b>Race:</b> W <b>Height:</b> 503 <b>Weight:</b> 160 <b>Address:</b> 1954 Malvern St. <b>City:</b> Lauderdale <b>State:</b> MN <b>Zip:</b> 55113 <b>Country:</b> <b>Phone:</b> (Home) (651)503-3092 <b>Phone:</b> (Cell) (763)647-9237 <b>Hair Color:</b> BRO	

**Supplemental Report**

ICR: 12005442 06-24-2012 0305  
**Title:** Dispute **Created By:** Mark Lebens  
 SQUADS WERE DISPATCHED FOR A PERSON BANGING ON THE DOOR AND FRONT WINDOW, LOCATED RESIDENT OF UPSTAIRS APARTMENT TRYING TO CONTACT LOWER LEVEL OCCUPANT BECAUSE SHE HAD LOST HER KEYS AND BELIEVED OTHER PARTY HAD THEM. GLAUVITZ WAS INTOXICATED AND ADVISED TO LOOK FOR HER KEYS WHEN SHE WOKE UP TOMORROW. SHE AGREED TO DO SO.

**Supplemental Report**

ICR: 12005442 07-19-2012 0439  
**Title:** Dispute **Created By:** Tressa Sunde  
 Squads were called to 1954 Malvern for a report of a female banging on the door of apartment #1 and yelling and screaming.  
 Upon arrival, I observed a female who is known to me as Jody Glauvitz standing in the front yard in her pajamas. She was extremely intoxicated and was yelling at the front of the house for them to open the door.

I approached Glauvitz and advised her we had been called because she was being loud. Glauvitz advised she had been in the downstairs apartment earlier drinking and partying with them. She stated when she got back to her apartment, she noticed her keys were missing. Glauvitz stated she wanted her keys back but they would not open the door.

I advised Glauvitz to go to bed and discuss the issue with the neighbor when she was sober. Glauvitz stated she understood, but was not happy about it.

It should be noted that I have seen Glauvitz intoxicated on numerous occasion, however this was possibly the worst I had seen her. She was yelling and screaming one minute and then sobbing crying the next. It should also be noted that Ramsey detox was full and Glauvitz parents were out of town so I could not contact them to check on her.

We cleared the call and advised her that if we were called back, she would be taken to jail for disorderly conduct, she agreed to go to bed.

*City of Lauderdale*  
*The Island in the Metro*

CITY OF LAUDERDALE  
LAUDERDALE CITY HALL  
1891 WALNUT STREET  
LAUDERDALE, MN 55113  
651-792-7650  
651-631-2066 FAX

July 16, 2012

Allan Giese  
Giese Rice Creek, LLC  
9551 Marshall Road  
Eden Prairie, MN 55347

Dear Mr. Giese,

On June 24, the police responded to a disturbance call at 1954 Malvern Street. One of the tenants was intoxicated and created a disturbance in the front yard. St. Anthony Police resolved the situation. You should also be aware of a call on June 16 in which St. Anthony Police responded to another disturbance call. The two deputing parties voluntarily parted prior to the police's arrival.

As you are aware, your property has had two violation notices since March 19. The June 24 call was just outside the window of qualifying as a third violation so consider this a second violation notice within three months per city code Title 9, Chapter 11. The May 10 assault is the other call.

Per ordinance, you have 5 days to file a written report detailing the actions you plan to take to prevent further violations. Failure to file the report or maintain compliance (through August 10) will result in a third violation notice. As you know, a third violation will lead to the denial, revocation, or suspension of your rental housing license. That determination is made by the City Council.

A copy of the police report is attached. If you have any question about this letter, please call me at 651-792-7657.

Sincerely,

Heather Butkowski  
City Administrator

July 20, 2012

City of Lauderdale  
Attn: Heather Butkowski  
1891 Walnut St  
Lauderdale, MN 55113

RE: 1954 Malvern St

Heather,

Thank you for sending a copy of the police report for the disturbance at my property. I have sent a written Final Notice to both tenants that any further complaints will result in immediate eviction. They have agreed to work out any arguments in a calm and civil manner, before it escalates. Both tenants want to remain in the property, and will work hard to get along.

Let me know what other actions I can take to remain in compliance with city code.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan Giese", with a long horizontal stroke extending to the right.

Allan Giese  
612-819-8086



<p>volume of the music resident could not hear squads knocking or ringing the door bell. Squads had to knock on window and be seen to get a response. Prior disturbances at this address some involving music. Citation mailed due to resident being uncooperative and not answering door.</p>	
<p><b>Last Name:</b> Mehrete      <b>First:</b> Orasa      <b>Middle:</b> Lee</p>	
<p><b>Address:</b> 1954 Malvern St 1      <b>City:</b> Lauderdale      <b>State:</b> MN      <b>Zip:</b> 55113      <b>Country:</b></p>	
<p><b>Offense(s)</b></p>	
<p><b>Offense:</b> Public Nuisance/Pease &amp; Safety-LDL (4.6.14) Public Nuisance/Pease &amp; Safety-LDL</p>	
<p><b>Locations(s)</b></p>	
<p><b>Address:</b> 1954 Malvern St 1      <b>City:</b> Lauderdale      <b>State:</b> MN      <b>Zip:</b> 55113      <b>Country:</b> USA</p>	
<p><b>Vehicle(s)</b></p>	
<p><b>State:</b> MN      <b>Plate:</b>      <b>VIN:</b></p>	
<p><b>Make:</b>      <b>Model:</b>      <b>Year:</b>      <b>Color:</b></p>	
<p><b>Court Dt\tm:</b> -- <b>Court Location:</b> Ramsey Criminal Downtown</p>	
<b>OFFENSES</b>	<p><b>Offense:</b> Public Nuisance/Pease &amp; Safety-LDL (4.6.14) Public Nuisance/Pease &amp; Safety-LDL</p>

**Supplemental Report**

**ICR:** 12006091 **07-16-2012 0137**

**Title:** Noise Complaint/Criminal Arrest **Created By:** Jim South

On 7-15-12 at approximately 0025 hrs, Squads 6921 (Officer South) and 6920 (Officer Sunde) received a call via radio from an anonymous caller in regards to loud music coming from the residence at 1954 Malvern St.

Upon arrival squads could hear music coming from the lower level of the duplex approximately three houses away. We then approached the front door and were having a hard time communicating between each other due to the volume of the music coming from inside unit #1 at 1954 Malvern St. Both Officer Sunde and myself have been to this residence before on noise complaints as well as other disturbances and are familiar with the resident.

We then knocked on the door and rang the doorbell and received no response. We attempted to knock and ring the doorbell several times with no luck. I then walked to the front window which had an air conditioner in it. I looked inside to see if I could get anyone's attention. I observed a male sitting on a couch on the east wall of the living room, the resident, Orasa Lee Mehrete [REDACTED], standing in front of the TV, and another male sitting on the couch on the north wall of the living room. The male sitting on the couch on the north wall was directly in front of me. I am 6'10" and have a different vantage point than others. I was able to look down on the table in front of this male and observed him rolling, in plain view, a marijuana blunt. A small baggy containing a substance which I am familiar with to be marijuana was on the table in front of him. He had a cut open cigar (Which appeared to look like a swisher sweet) and was placing marijuana in the tobacco from the cigar.

I then knocked on the window three separate times before Mehrete came to the window and said, "Oh Shit". Mehrete then told her friends it was the cops, turned the stereo off and began to give them orders. Mehrete eventually came to the front door of her residence and stepped out of the residence closing the door behind her.

We then informed Mehrete that we received a phone call in regards to the volume of the music. She stated that she did not realize it was that loud. We informed her we could hear the music from approximately three houses away and had tried to knock on the door and ring the doorbell prior to me



knocking on the window three times. Mehrete initially was very compliant and stated she was sorry and that the music would be shut off.

I then told Mehrete I observed a male rolling a marijuana blunt on her coffee table. Mehrete immediately changed her demeanor and stated she had no idea what I was talking about and that she did not see anything. It should be noted that while the male was rolling his marijuana blunt Mehrete was approximately 5 feet from him and looked in his direction several times. I informed her that the activity had taken place directly in front of me and that she knew what I was talking about.

On previous occurrences we had dealt with Mehrete's 10 year old daughter [REDACTED]. I asked her if her daughter was in the house as I was concerned for her daughter's welfare. Mehrete immediately got mad and asked why we were asking her so many questions. I told her that we were concerned for her daughter because there was drug use in the house. She stated that she was going to call her lawyer and went inside of her residence.

We then waited approximately 15 to 20 minutes and got no response from Mehrete. I then went to my squad to access records of previous contacts with Mehrete. Checks revealed we have had one previous loud music call there on 1-14-12 where we arrested 2 of the people in the residence on warrants. Due to the previous loud party contact as well as the level of noise coming from this residence tonight I determined it would be appropriate to cite Mehrete for violation of the Public Nuisance ordinance for disturbance of peace and safety. It should be noted that we have also had calls on 3-19-12 for a possible fight outside the residence and on 5-10-12 for a 2nd degree assault stemming from parties at the residence.

I then attempted to make contact with Mehrete and she told me that she was still on the phone with her attorney and to give her five more minutes. I then allowed five minutes to elapse and she did not answer the door. I then told her through the door that I would be mailing her a citation for the public nuisance ordinance violation and went back to my squad.

I was then processing some paperwork in my squad when I observed a vehicle pull in front of the residence. I observed the door open and watched as Mehrete's daughter emerged from the residence. Mehrete then followed her out and escorted her to the waiting vehicle. I activated my squad video to record the fact that Mehrete's daughter was inside the residence while these circumstances were occurring. I am requesting investigations to forward the report to Ramsey County Child Protection. Mehrete was mailed the citation via US mail.

*City of Lauderdale*  
*The Island in the Metro*

CITY OF LAUDERDALE  
LAUDERDALE CITY HALL  
1891 WALNUT STREET  
LAUDERDALE, MN 55113  
651-792-7650  
651-631-2066 FAX

August 3, 2012

Allan Giese  
Giese Rice Creek, LLC  
9551 Marshall Road  
Eden Prairie, MN 55347

Dear Mr. Giese,

On July 15, the police responded to a disturbance call at your duplex. As you will read in the report, the music was so loud your tenants could not hear the officers knocking on the door and ringing the doorbell. An officer also witnessed one of the individuals in the unit in possession of marijuana. As a result, this letter is your notice of a third violation at 1954 Malvern Street. As you are aware, your property has had two other recent violations. The first was an assault on May 10. The other was a disturbance on June 24.

As I have referenced in previous letters, a third violation may lead to the denial, revocation, or suspension of your rental housing license. If your license is revoked or suspended, you will not be able to rent the units on a permanent or temporary basis. That determination will be made at a hearing during a meeting of the Lauderdale City Council on Thursday, August 16, 2012. The meeting will begin at 6:00 p.m. in the Council Chambers at Lauderdale City Hall. You will have an opportunity to address the City Council before they make a decision with regard to your license. Please bring any evidence you would like the Council to consider to the meeting. If you would like materials included in the Council Packet that is distributed prior to the meeting, please have it at City Hall by 12:00 p.m. on Monday, August 13.

Copies of the three police report are attached. If you have any question about this letter or the hearing process, please call me at 651-792-7657.

Sincerely,



Heather Butkowski  
City Administrator

CHAPTER 11  
RENTAL HOUSING LICENSE PROVISIONS

9-11-1	PURPOSE
9-11-2	APPLICABILITY; SCOPE
9-11-3	ADOPTION OF PROPERTY MAINTENANCE CODE
9-11-4	DEFINITIONS
9-11-5	ENFORCEMENT OFFICER
9-11-6	RESPONSIBILITY OF OWNER (LANDLORD)
9-11-7	RESPONSIBILITY OF OCCUPANT (RENTER)
9-11-8	GENERAL LICENSING PROVISIONS
9-11-9	INSPECTIONS
9-11-10	CONDUCT ON LICENSED PREMISES
9-11-11	CONDITION OF LICENSED PREMISES
9-11-12	HEARING PROCEDURE
9-11-13	MISDEMEANOR

9-11-1 PURPOSE.

It is the purpose of this Chapter to protect the public health, safety and welfare of the community at large and the residents of rental dwellings in the City of Lauderdale and to ensure that rental housing in the city is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Owners and operators are responsible to take such reasonable steps as are necessary to ensure that the citizens of the city who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from noise, nuisances or annoyances; and free from unreasonable fears about safety of persons and security of property.

9-11-2 APPLICABILITY; SCOPE.

This Chapter applies to all rental dwellings in the City, including any accessory structures on the premises upon which the rental dwelling is located, such as garages and storage buildings and appurtenances, such as sidewalks and retaining walls. This Chapter does not apply to on-campus college or university housing units; Minnesota Department of Health licensed rest homes; convalescent care facilities; licensed group homes; nursing homes; hotels; motels; owner-occupied units; or condominium units as defined and governed by Minnesota Statutes Chapters 515, 515A, and 515B.

9-11-3 ADOPTION OF PROPERTY MAINTENANCE CODE.

The International Property Maintenance Code, 2003 edition, as published by the International Code Council, is adopted by reference in its entirety, except as modified or amended in this Code. Nothing in this Chapter or the International Property Maintenance Code shall be construed to cancel, modify, or set aside any other provision of the City Code.

9-11-4 DEFINITIONS.

“Building Official” means the building inspector or a designated agent authorized by the City Council to administer and enforce this Chapter.

“City” means the City of Lauderdale.

“City Administrator” means the City Administrator or the City Administrator’s designated agent.

“Multiple Family Dwelling” means a rental dwelling containing three (3) or more units.

“Occupant” means any person living or sleeping in a rental dwelling unit, or having possession of a space within a rental dwelling unit.

“Owner” means, with respect to all matters involving the making of applications and the giving of notices, the individuals or entities holding legal and equitable title to the premises, or the legally constituted agent designated by the owner for such purposes.

“Premises” means a lot, plot, or parcel of land including the building or structures thereon.

“Rental Dwelling” means a building or premises, or portion thereof, used or intended to be used for residential rental purposes.

“Resident Agent” means any person who has charge, care or control of a rental dwelling.

“Unit” means a single unit within a rental dwelling providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

9-11-5 ENFORCEMENT OFFICER.

The City Building Official is authorized and directed to enforce all provisions of this Chapter, subject to review by the City Council.

9-11-6 RESPONSIBILITY OF OWNER (LANDLORD).

- A. Owner Responsible. Every owner of a rental dwelling is responsible for violations of duties and obligations imposed by this Chapter even if the duty or obligation is also imposed on the occupant(s) of the rental dwelling, or even if the owner, by agreement, has imposed on the occupant(s) the duty of making sure that the rental dwelling complies with the requirements of this Chapter, applicable provisions of the City Code and the International Property Maintenance Code.
- B. Cleanliness. Every owner of a rental dwelling is responsible for keeping that part of the premises which he or she occupies or controls in a clean, sanitary and safe condition in conformance with this Chapter, applicable provisions of the City Code and the International Property Maintenance Code, including any shared or common areas in a multiple family dwelling.
- C. Obtain License. The owner or resident agent must obtain a license and pay all license fees as required by this Chapter before the rental dwelling may be rented.

9-11-7 RESPONSIBILITY OF OCCUPANT (RENTER).

- A. Access By Owner. Every occupant of a rental dwelling shall give the owner or resident agent access to his or her unit, and that part of the premises which he or she occupies or controls, at reasonable times for the purpose of inspections and maintenance, and making necessary repairs or alterations on the premises.
- B. Cleanliness. Every occupant of a rental dwelling is responsible for keeping his or her unit, and any part of the premises which he or she occupies or controls, in a clean, sanitary and safe condition in conformance with this Chapter, applicable provisions of the City Code and the International Property Maintenance Code.
- C. Disposal of Rubbish. Every occupant of a rental dwelling shall store and dispose of all his or her rubbish, garbage and waste in a clean, sanitary and safe manner. All rubbish, garbage, and waste must be collected by a hauler who is licensed by the City as required by Section 4-2-11 of this Code.
- D. Plumbing Fixtures.
  - 1. Furnished Fixtures. Every occupant of a rental dwelling shall keep the supplied plumbing fixtures and facilities within his or her unit in a clean and sanitary condition and shall exercise reasonable care in their proper use and operation in accordance with this Chapter,

applicable provisions of the City Code and the International Property Maintenance Code.

2. Fixtures Furnished By Occupant. Every plumbing fixture furnished by the occupant shall be properly installed and maintained in good working condition, shall be clean and sanitary, and free from defects, leaks or obstructions in accordance with this Chapter, applicable provisions of the City Code and the International Property Maintenance Code.

9-11-8 GENERAL LICENSING PROVISIONS.

A. License Required.

1. It is unlawful to operate a rental dwelling in the City without first having obtained a license from the City. An owner must obtain a license for each rental dwelling. If the rental dwelling contains two or more units, and has a common owner and a common property identification number, the owner may obtain a single license for the rental dwelling.
2. There are two types of licenses: Tier I and Tier II. Except as otherwise provided in this Chapter, both Tier I and Tier II licenses must comply with all provisions of this Chapter. (Amended, 2-13-2007)

B. License Application. The owner of a rental dwelling must submit an application for a license on forms and in the format provided by the City. The owner must give notice, in writing, to the City within five (5) business days of any changes to the information contained in the license application. The application must include:

1. the owner's name, address, and telephone number, owning partners if a partnership, corporate officers if a corporation;
2. the resident agent's name, address and telephone number;
3. legal address of the rental dwelling;
4. the type and number of units within the rental dwelling; and
5. the type of structure to be licensed (i.e., single-family, duplex, triplex).

C. License Fees. The owner must pay an annual license fee, the amount of which will be determined by the City Council. The license fee schedule is

maintained at City Hall. The owner must submit the required fee along with the application for a new or renewal license. Applications for a renewal license submitted after the license term expiration are subject to a penalty fee, which shall be determined from time to time by the City Council.

D. License Period. The initial license period begins upon the effective date of this Chapter, and ends on December 31, 2007. Thereafter, the license period is for one year and runs from January 1 to December 31. The license must be renewed annually.

E. License Issuance.

1. Preliminary Inspection and Investigation. Prior to issuing a license, the Building Official will inspect the rental dwelling to determine compliance with this Chapter, the City Code and the International Property Maintenance Code. The City Administrator will review the application for completeness and determine whether all real estate taxes and municipal utilities are paid and current.

2. Tier I License. If the rental dwelling is in full compliance with paragraph (1), the City will issue a Tier I license to the owner.

3. Compliance Order. If the rental dwelling is not in full compliance with paragraph (1), the City will provide the owner or resident agent with a compliance order pursuant to Section 9-11-11. If the owner corrects the items in the compliance order within the specified period of time, the City will issue a Tier I license to the owner.

4. Tier II Licenses. If the owner does not correct the items in the compliance order within the specified period of time, the City will issue a Tier II license to the owner, subject to the following conditions:

a. The City will issue Tier II licenses only to applicants who are operating a rental dwelling with a tenant residing in the rental dwelling on the effective date of this Chapter. (Amended, 2-13-07)

b. The Tier II license holder shall pay the Tier II license fee as established by the City Council. (Amended, 2-13-07)

c. If the Tier II license holder corrects the violations in the compliance order(s), the licensee may apply for a Tier I license after the expiration of the current initial license period. (Amended, 2-13-07)

- d. Subject to the limitation in Section 9-11-8(E)(5), if violations in an outstanding compliance order(s) remain uncorrected, a Tier II license holder may continue to let a rental dwelling until end of the owner's existing lease term with the current tenant. (Amended, 2-13-07)
  - e. All Tier II licenses expire upon one of the following, whichever occurs earlier: i) the existing tenant vacates the rental dwelling; ii) the existing lease term for the rental dwelling expires; iii) the initial license period expires on December 31, 2007; or, iv) the Building Official determines that an unsafe or dangerous condition exists as described in Section 9-11-8(E)(5). (Amended, 2-13-07)
  - f. The City will issue no Tier II licenses after December 31, 2007. After that date, all applicants and rental dwellings must qualify for a Tier I license from the City. (Amended, 2-13-07)
5. **Unsafe or Dangerous Conditions.** No owner or resident agent may operate a rental dwelling, regardless of the type of license issued, if the Building Official determines that a condition exists in or on the rental dwelling or premises that is unsafe or poses an imminent danger to the health or safety of the tenants or the public. Any person who continues to operate a rental dwelling after such a determination by the Building Official is subject to suspension or revocation of the license, criminal prosecution, and any civil remedies available to the City. (Amended, 2-13-07)
- F. **Posting of License.** The owner shall post a copy of the license in the rental dwelling in a conspicuous place. In multiple dwelling units requiring a single license, the license shall be posted in a common area of the building such as a corridor, hallway or lobby. The posted license shall be framed and covered with clear glass or plastic.
- G. **Renewal of License.** An owner may continue to rent a dwelling after the expiration date of the license provided the owner has filed with the City on or before December 31st, the appropriate renewal license application and license fee. The issuance of a license under this Chapter shall be considered a privilege and not an absolute right of the owner and shall not entitle the owner to an automatic renewal of the license. Allowing the owner to continue to rent while the renewal license is being processed does not obligate the City to automatically renew the license.



- H. Transfer of License. Licenses are not transferable. Any changes in the ownership of the rental dwelling require a new license.
  
- I. Resident Agent Required. Owners of rental dwellings with five (5) or more individual units shall appoint a resident agent who shall reside within the rental dwelling to be responsible for the maintenance and upkeep of the rental dwelling and common areas and to handle licensing issues with the City. Owners of rental dwellings containing fewer than five (5) units who do not reside within the counties of Ramsey, Hennepin, Anoka, Carver, Dakota, Scott, Washington, Wright, Chisago, Isanti or Sherburne shall appoint an agent that resides within one of these counties that shall be the responsible resident agent.
  
- J. Register of Occupancy. The owner or its resident agent shall keep a current register of occupancy for each rental dwelling. This register of occupancy may be reviewed by the City at any time. Said register of occupancy shall contain, at a minimum, the following information:
  - 1. Address(es) of the rental dwelling;
  - 2. Number of bedrooms of each unit;
  - 3. Number of units in each building; and
  - 4. Number of adults and children (under 18) currently occupying each unit.

9-11-9 INSPECTIONS.

- A. Inspections. The City will inspect all rental dwellings periodically to determine compliance with this Chapter, the City Code and the International Property Maintenance Code. The City will inspect rental dwellings with odd-numbered addresses in odd years and rental dwellings with even-numbered addresses in even year. After each inspection, the City shall provide the owner or resident agent with a compliance order pursuant to Section 9-11-11. The owner or resident agent must correct the violations within the time period specified in the compliance order. If the violations are not corrected, the City may suspend or revoke the license under Section 9-11-12, unless it is the initial license period, in which case, the license is valid until the end of the owner's existing lease with the current tenant as noted in section 9-11-8(E)(4)(e). The City may, however, immediately suspend or revoke a license if an unsafe or dangerous condition exists as described in Section 9-11-8(E)(5). (Amended, 2-13-07)
  
- B. Occupant Initiated Inspection. An occupant who believes that his or her rental dwelling is not in compliance with the provisions of this Chapter,

City Code or the International Housing Maintenance Code may provide written notice to the owner or resident agent of the rental dwelling specifying the alleged deficiency. If the owner or resident agent does not take action to correct the alleged problem, the occupant may contact the City and request an inspection of the rental dwelling by the Building Official upon showing proof that the owner or resident agent had been properly notified and has been given a reasonable time in which to correct deficiencies. The cost of the inspection shall be paid by the owner if the City's inspection reveals actual deficiencies as described by the occupant.

9-11-10 CONDUCT ON LICENSED PREMISES.

- A. Owner Responsible. It shall be the responsibility of the owner or resident agent to see that persons occupying the rental dwelling conduct themselves in such a manner as not to cause the premises to be disorderly. This section applies to both Tier I and Tier II licenses. For purposes of this section, a rental dwelling is disorderly at which any of the following activities occur:
1. Violation of Minnesota Statutes sections 609.755 through 609.76 as may be amended from time to time, relating to gambling;
  2. Violation of laws relating to prostitution or acts relating to prostitution as defined in Minnesota Statutes section 609.321;
  3. Violation of Minnesota Statutes sections 152.01 through 152.027 as may be amended from time to time, relating to the unlawful sale or possession of controlled substances;
  4. Violation of Minnesota Statutes sections 340A.401 and 340A.503 as may be amended from time to time, relating to the unlawful commercial sale and underage consumption of alcoholic beverages;
  5. Violation of Minnesota Statutes section 609.33 as may be amended from time to time, which prohibits owning, leasing, operating, managing, maintaining or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
  6. Violation of Minnesota Statutes sections 97B.021, 97B.045, 609.66 through 609.67, 624.712 through 624.716, 624.719, 624.731 through 624.732 as may be amended from time to time, relating to the unlawful possession, transportation, sale or use of weapons;
  7. Violation of City Code section 5-2-2 or violation of Minnesota Statutes section 609.72 as may be amended from time to time, relating to disorderly conduct;

8. Violation of City Code section 5-7 relating to recreational fires;
9. Violation of City Code section 5-8 relating to clandestine drug labs;
10. Violation of City Code section 4-1 relating to nuisances; or
11. Violation of City Code section 5-3 relating to animal control.

B. City Enforcement. The City Administrator is responsible for enforcement and administration of this section.

C. First Violation. Upon determination by the City Administrator that a licensed premises was used in a disorderly manner, as described in paragraph (A) of this section, the City Administrator must give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations.

D. Second Violation. If another instance of disorderly use of the licensed premises occurs within three months of an incident for which a notice in division (C) of this section was given, the City Administrator must notify the licensee of the violation and must also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report must be submitted to the City Administrator within five days of receipt of the notice of disorderly use of the premises and must detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding three months.

E. Third Violation.

1. If another instance of disorderly use of the licensed premises occurs within three months after any two previous instances of disorderly use for which notices were given to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended or not renewed. An action to deny, revoke, suspend, or not renew a license under this section must be initiated by the City Administrator who must give to the licensee written notice of a hearing before the City Council to consider such denial, revocation, suspension or non-renewal. Such written notice must specify all violations of this section, and must state the date, time, place and purpose of the hearing. The hearing must be held no less than ten days and no more than 30 days after giving such notice.

2. Following the hearing, the City Council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the

licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.

- F. No Adverse Action Pending Eviction. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings are not a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.
- G. Finding of Disorderly Conduct. A determination that the licensed premises have been used in a disorderly manner as described in paragraph (A) of this section shall be made upon a fair preponderance of the evidence to support such a determination. It is not necessary that criminal charges be brought in order to support a determination of disorderly use nor does the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.
- H. Service of Notices. All notices given by the City under this section must be personally served on the licensee, sent by certified mail to the licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed premises.
- I. Enforcement Actions. Enforcement actions provided in this section are not exclusive, and the City Council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the city code, state or federal law.

#### 9-11-11 CONDITION OF LICENSED PREMISES.

- A. Compliance Order. Whenever the Building Official determines that the condition of any rental dwelling or the premises surrounding it fails to meet the provisions of this Chapter, other applicable City Code provisions or the International Property Maintenance Code, he or she may issue a compliance order setting forth the specific violations and ordering the owner to correct such violations.
- B. Contents of the Compliance Order. The compliance order shall:

1. Be in writing;
2. Describe the location and nature of the violations;
3. Set forth a reasonable time for the correction of the violations by the owner or resident agent; and
4. Be served upon the owner and resident agent either personally or by certified mail. A copy of the compliance order shall also be provided to the occupants of the rental dwelling.

C. License Action. If the violations listed in the compliance order are not remedied by the owner or resident agent within the specified time given in the order, the license for the rental dwelling may be denied, suspended, revoked, or not renewed by the City. An administrative fine in an amount set forth from time to time by the City Council by resolution may also be imposed. If the City decides that it will be denying, suspending, revoking or not renewing a license or imposing an administrative fine pursuant to this Section, the City shall send a notice of the proposed action to the owner and resident agent of the rental dwelling. The proposed action by the City shall be heard by the City Council pursuant to the procedure set forth in Section 9-11-12 of this Chapter.

D. Appeal. When it is alleged by the owner or resident agent that the compliance order is based upon the erroneous interpretation of this Chapter, other applicable City Code provisions or the International Property Maintenance Code, the owner or resident agent may appeal the compliance order to the City Council. Such appeal shall be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee, as set forth by resolution of the City Council, from time to time, and must be filed with the City within five (5) business days after service of the compliance order. The appeal shall be heard by the City Council pursuant to the procedure set forth in Section 9-11-12 of this Chapter. The filing of the appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health or property.

#### 9-11-12 HEARING PROCEDURE.

A. Scheduling of Hearing. If the City makes a determination that it will be denying, suspending, revoking or not renewing a license pursuant to Sections 9-11-10 or 9-11-11 of this Chapter, or if the owner or resident agent is appealing the compliance order pursuant to Section 9-11-11 of this Chapter, the City Council shall conduct a hearing on the matter. The hearing shall be scheduled at the next regular City Council meeting following the date of the notice or receipt of the owner's notice of appeal of a compliance order.

- B. Hearing. At the hearing, the City Council shall hear all relevant evidence and arguments and shall review all testimony, documents and other evidence submitted. The owner or resident agent shall have the opportunity to address the City Council at the hearing.
- C. Findings. After the hearing is concluded, the City Council shall make findings on whether to uphold the compliance order or to revoke, suspend, deny or not renew the license or impose an administrative fine. The City Council shall issue a written decision within thirty (30) days following the date of the hearing and shall send a copy of its decision to the owner and resident agent by mail. The decision shall specify the rental dwelling or units to which it applies.
- D. No Occupancy. If a license is revoked, suspended, denied or not renewed by the City Council, it shall be unlawful for the owner or the resident agent to thereafter permit the occupancy of the rental dwelling or the unit. A notice of the action shall be posted by the Building Official on the rental dwelling or the unit in order to prevent any further occupancy. No person shall reside in, occupy or cause to be occupied that rental dwelling or unit until a license is obtained or reinstated by the owner.
- E. Appeal. An owner may appeal the decision of the City Council as allowed under state law.

9-11-13 MISDEMEANOR.

Failure by an owner to comply with a compliance order after the right of appeal has expired or violation of any of the provisions of this Chapter shall constitute a misdemeanor. Each day that a violation continues shall be deemed a separate punishable offense.

Adopted by the city council of the City of Lauderdale the 25th day of July, 2006.