



**Board of Appeals Agenda
Rochester Boards & Commissions - Board of Appeals
December 20, 2023
5:00 p.m.**

Attending and Viewing the Meeting

Attend the meeting in person at City Hall, Conference Rm 104, 201 4th Street SE
A recording is made available after the meeting on the [City's website](#).

1. Open Comment Period

15 minute total time limit for items not on the agenda.

2. Call to Order/Roll Call

3. Order of Agenda

4. Consent Agenda

4.A. Minutes of November 1, 2023

Approving the minutes and video of the November 1, 2023, Board of Appeals meeting as the official record of the Board of Appeals.

5. Reports and Recommendations

5.A. 206 11th Ave SE Appeal

Denying appeal of the rental property at 206 11th Ave SE to refund late compliance fees of \$375 assessed to the property for failure to bring the rental property into compliance within 151 days of the rental certificate expiration date.

6. Public Hearings

7. Other Business

8. Adjournment



REQUEST FOR ACTION

Minutes of November 1, 2023

MEETING DATE:

December 20, 2023

ORIGINATING DEPT:

Community Development

AGENDA SECTION:

Consent Agenda

PRESENTER:

Chair

Action Requested:

Approving the minutes and video of the November 1, 2023, Board of Appeals meeting as the official record of the Board of Appeals.

Report Narrative:

The minutes and video are the official record of the Board of Appeals.

Prepared By:

Jessica Keller

Attachments:

[Minutes - November 1, 2023](#)



**CITY OF ROCHESTER, MINNESOTA
Board of Appeals MINUTES**

1) [Open Comment Period](#)

2) [Call to Order/Roll Call](#)

Attendee Name	Status
Ryan Jongeling	Present
Robert Haeussinger	Present
Tom Jahns	Present
Jake Johnson	Absent
Wade Goodenberger	Absent

3) [Order of Agenda](#)

Motion to approve the Order of Agenda

MOVER: Ryan Jongeling
SECONDER: Tom Jahns
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

4) [Consent Agenda](#)

4.A) Minutes of October 4, 2023

Official Act: Approving the minutes and video of the October 4, 2023 Board of Appeals meeting as the official record of the Board of Appeals.

[Cover Page](#) 

[Minutes - October 4, 2023](#) 

Motion to approve the Consent Agenda

MOVER: Ryan Jongeling
SECONDER: Tom Jahns

AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5) [Reports and Recommendations](#)

5.A) [Brian Rossow Appeal - 704 3 Ave SE](#)

Official Act: Denying appeal of the rental property at 704 3 Ave SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff report - Rossow properties](#) 

Motion to waive the 90 day fee (\$100), but impose the 120 day fee (\$125) and the 150 day fee (\$150) for a total of \$275 due to the time frame of communication during the transition to the new housing code.

MOVER: Ryan Jongeling
SECONDER: Jake Johnson
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.B) [Brian Rossow Appeal - 1807 36 St NW](#)

Official Act: Denying appeal of the rental property at 1807 36 St NW refund late compliance fees of \$225 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff report - Rossow properties](#) 

Motion to refund the 90 day fee (\$100) and impose the 120 day fee (\$125) or a total of \$125 still assessed due to the time frame of communication during the transition to the new housing code.

MOVER: Ryan Jongeling
SECONDER: Tom Jahns
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.C) [Brian Rossow Appeal - 1843 17 St NW](#)

Official Act: Approving the appeal of the rental property at 1807 36 St NW to waive late compliance fees of \$100 assessed for failure to bring the rental

property into compliance within 91 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff report - Rossow properties](#) 

Removed per staff and appellant agreement as request to waive \$100 late compliance fee was granted.

5.D) [Brian Rossow Appeal - 2114 Valleyhigh Dr NW, Unit B108](#)

Official Act: Denying appeal of the rental property at 2114 Valleyhigh Dr NW, Unit B108 to waive late compliance fees of \$100 assessed for failure to bring the rental property into compliance within 91 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff report - Rossow properties](#) 

Motion to deny the appeal to waive \$100 in late compliance fees assessed due to staff's findings of facts.

MOVER: Ryan Jongeling
SECONDER: Robert Haeussinger
AYES: Ryan Jongeling, Robert Haeussinger
NAYS: Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [2 - 1 - 2]**

5.E) [Brian Rossow Appeal - 2117 33 St NW](#)

Official Act: Denying appeal of the rental property at 2117 33 St NW to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff report - Rossow properties](#) 

Motion to refund the 90 day fee (\$100) and impose the 120 day fee (\$125) or a total of \$125 still assessed due to the time frame of communication during the transition to the new housing code.

MOVER: Ryan Jongeling
SECONDER: Tom Jahns
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.F) [Brian Rossow Appeal - 341 27 St NE](#)

Official Act: Denying appeal of the rental property at 341 27 St NE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff report - Rossow properties](#) 

Denying appeal of the rental property at 341 27 St NE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Ryan Jongeling
SECONDER: Tom Jahns
AYES: None
RESULT: **APPROVED [UNANIMOUS]**

5.G) [Brian Rossow Appeal - 401 27 St NE](#)

Official Act: Denying appeal of the rental property at 401 27 St NE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff report - Rossow properties](#) 

Motion to waive the 90 day fee (\$100), but impose the 120 day fee (\$125) and the 150 day fee (\$150) for a total of \$275 due to the time frame of communication during the transition to the new housing code.

MOVER: Ryan Jongeling
SECONDER: Tom Jahns
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.H) [Brian Rossow Appeal - 405 27 St NE](#)

Official Act: Denying appeal of the rental property at 405 27 St NE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff report - Rossow properties](#) 

Motion to waive the 90 day fee (\$100), but impose the 120 day fee (\$125) and the 150 day fee (\$150) for a total of \$275 due to the time frame of communication during the transition to the new housing code.

MOVER: Ryan Jongeling
SECONDER: Tom Jahns
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.I) [Brian Rossow Appeal - 409 27 St NE](#)

Official Act: Denying appeal of the rental property at 409 27 St NE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff report - Rossow properties](#) 

Denying appeal of the rental property at 409 27 St NE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Ryan Jongeling
SECONDER: Tom Jahns
AYES: None
RESULT: **APPROVED [UNANIMOUS]**

Motion to waive the 90 day fee (\$100), but impose the 120 day fee (\$125) and the 150 day fee (\$150) for a total of \$275 due to the time frame of communication during the transition to the new housing code.

MOVER: Ryan Jongeling
SECONDER: Tom Jahns
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.J) [Karen Cameron Appeal - 1540 7 Ave SE](#)

Official Act: Denying appeal of the rental property at 1540 7 Ave SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff Report - Cameron Properties](#) 

Motion to deny the appeal of the rental property at 1540 7 Ave SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Ryan Jongeling

SECONDER: Tom Jahns
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.K) [Karen Cameron Appeal - 721 14 St NE](#)

Official Act: Denying appeal of the rental property at 721 14 St NE to refund late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff Report - Cameron Properties](#) 

Motion to deny the appeal of the rental property at 721 14 St NE to refund late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Ryan Jongeling
SECONDER: Robert Haeussinger
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.L) [Karen Cameron Appeal - 12 25 St SW](#)

Official Act: Denying appeal of the rental property at 12 25 St SW to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff Report - Cameron Properties](#) 

Motion to deny the appeal of the rental property at 12 25 St SW to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Robert Haeussinger
SECONDER: Ryan Jongeling
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.M) [Karen Cameron Appeal - 3707 7 St NW](#)

Official Act: Denying appeal of the rental property at 3707 7 St NW to waive late compliance fees of \$375 assessed for failure to bring the rental property

into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff Report - Cameron Properties](#) 

Motion to deny the appeal of the rental property at 3707 7 St NW to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Ryan Jongeling
SECONDER: Robert Haeussinger
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.N) [Karen Cameron Appeal - 15 10 St NW](#)

Official Act: Denying appeal of the rental property at 15 10 St NW to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff Report - Cameron Properties](#) 

Motion to deny the appeal of the rental property at 15 10 St NW to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Robert Haeussinger
SECONDER: Tom Jahns
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.O) [Karen Cameron Appeal - 3071 Rose Heights Dr SE](#)

Official Act: Denying appeal of the rental property at 3071 Rose Heights Dr SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff Report - Cameron Properties](#) 

Motion to deny the appeal of the rental property at 3071 Rose Heights Dr SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Tom Jahns
SECONDER: Ryan Jongeling
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.P) [Karen Cameron Appeal - 809 9 Ave SE](#)

Official Act: Denying appeal of the rental property at 809 9 Ave SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff Report - Cameron Properties](#) 

Motion to deny the appeal of the rental property at 809 9 Ave SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Robert Haeussinger
SECONDER: Tom Jahns
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.Q) [Karen Cameron Appeal - 1305 3 St NE](#)

Official Act: Approve the appeal of the rental property at 1305 3 St NE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff Report - Cameron Properties](#) 

Approved the appeal of the rental property at 1305 3 St NE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

5.R) [Karen Cameron Appeal - 1230 10 Ave SE](#)

Official Act: Denying appeal of the rental property at 1230 10 Ave SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff Report - Cameron Properties](#) 

Motion to deny the appeal of the rental property at 1230 10 Ave SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Tom Jahns
SECONDER: Ryan Jongeling
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.S) [Karen Cameron Appeal - 945 6 Ave SE](#)

Official Act: Denying appeal of the rental property at 945 6 Ave SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff Report - Cameron Properties](#) 

Motion to deny the appeal of the rental property at 945 6 Ave SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Ryan Jongeling
SECONDER: Robert Haeussinger
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

5.T) [Karen Cameron Appeal - 1533 9 Ave SE](#)

Official Act: Denying appeal of the rental property at 1533 9 Ave SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

[Cover Page](#) 

[Staff Report - Cameron Properties](#) 

Motion to deny the appeal of the rental property at 1533 9 Ave SE to waive late compliance fees of \$375 assessed for failure to bring the rental property into compliance within 151 days of the correction due date of the last inspection.

MOVER: Ryan Jongeling
SECONDER: Robert Haeussinger
AYES: Ryan Jongeling, Robert Haeussinger, Tom Jahns
ABSENT: Jake Johnson, Wade Goodenberger
RESULT: **APPROVED [UNANIMOUS]**

6) ***Public Hearings***

7) ***Other Business***

8) ***Adjournment***



REQUEST FOR ACTION

206 11th Ave SE Appeal

MEETING DATE:

December 20, 2023

ORIGINATING DEPT:

Community Development

AGENDA SECTION:

Reports and Recommendations

PRESENTER:

Lori Jones

Action Requested:

Denying appeal of the rental property at 206 11th Ave SE to refund late compliance fees of \$375 assessed to the property for failure to bring the rental property into compliance within 151 days of the rental certificate expiration date.

Report Narrative:

The owner of the rental property at 206 11th Ave SE, has appealed the Manager of Housing and Neighborhood Services assessment of late compliance fees. Under the Rochester Code of Ordinances, Chapters 1-4, the Rochester Board of Appeals is the appeal body.

The appellant states they did not receive proper communication of the change of policy of late compliance fees being assessed. Our records show proper notice was had, and additional tools exist for rental managers and owners to review the status of their rental properties. The Manager of Housing and Neighborhood Services Manager recommends that the Board of Appeals deny the appeal due to the following:

- Rental owners/managers are required to display their registration certificates at their rental properties, per Sec. 7-9-8 (which details when the license expires), and are responsible for ensuring the certificate is maintained.
- The City provides a public-facing online tool, Citizen Access, which rental managers and owners can utilize to manage their rental records (including paying fees).
- When reviewing requests to waive fees, we must remain consistent. In similar situations, we have stood firm on assessing fees as we have communicated the need to bring the rental into compliance on our end, and no action has been taken within 151 days of the rental certificate expiration date.

Prepared By:

Taryn Edens

Attachments:

[Staff report - 206 11 Ave SE](#)

[Applicant Appeal Letter](#)

To: Board of Appeals Members
From: Taryn Edens, Manager of Housing and Neighborhood Services
Date: December 20, 2023
Subject: 206 11th Ave SE Appeal

The owner of the rental property at 206 11th Ave SE, has appealed the Manager of Housing and Neighborhood Services assessment of late compliance. Under the Rochester Code of Ordinances, Chapter 1-4, Rochester Board of Appeals is the appeal body.

History:

Late compliance penalty fees were assessed for the above property for failure to bring the rental properties into compliance within a timely manner.

The owner has appealed the staff’s assessment of penalty fees and the Manager of Housing and Neighborhood Services denial to waive penalty fees to the Board of Appeals.

The Manager of Housing and Neighborhood Services denial was based on Section 7-3-6 of the Rochester Code of Ordinances:

Sec. 7-3-6 (6) – Fees.

(6)Penalty fees will be assessed when a certificate has been non-compliant and expired beyond 60 days. This would be applied for rental certificates beyond 60 days from renewal date or the correction deadline per the notice of violation issued at the most recent inspection: whichever is later.

Additional fees will be assessed based on the number of units accumulatively per the fee schedule until the certificate is in compliance:

	<i>1-4 units</i>	<i>5-12 units</i>	<i>12+ units</i>
<i>91- 120 days</i>	<i>\$100</i>	<i>\$150</i>	<i>\$250</i>
<i>121- 150 days</i>	<i>\$125</i>	<i>\$250</i>	<i>\$500</i>

151-180 days	\$150	\$500	\$750
181 days or more	Referred to City attorney for legal action		

Fees will not be applied if an extension of time is granted for compliance, an unclear or incorrect correction order, or a change of ownership during the time allotted for compliance occurs.

In 2022, the Housing and Neighborhood Services division prepared to adopt a full housing code re-write. This included new penalty fees; namely, the late compliance fees. Communication of these new changes were emailed to all rental contacts on January 7, 2022, January 12, 2022, August 31, 2022, October 21, 2022, and December 29, 2022. The last communication stated that the new approved housing code would go into effect as of January 3, 2023. However, our property incentive system will impact rental properties with a renewal date of April 1, 2023 or later. We depend on the email addresses provided to our team for reaching out to rental contacts, and the one we had on file was blmalone113@yahoo.com. Our records indicate all emails regarding the housing code update were successfully delivered to this address:

1. 1/7/22
2. 1/12/22 – email opened once
3. 8/31/22 - email opened twice
4. 10/21/22 – email opened twice
5. 12/29/22 - email opened
6. 8/21/23

The rental property at 206 11th Ave SE last issued rental certificate expired on February 1, 2023; said certificate was mailed on August 18, 2022. A biennial housing registration and inspection notice was mailed to appellant’s property management company, Five Star Properties, on November 4, 2022 as notice to pay renewal fees and schedule the routine inspection. Renewal fees were not paid until November 2, 2023 and the routine inspection is scheduled for January 2, 2024.

Late Compliance Fees are assessed when a rental property has been non-compliant beyond 91 days from the renewal date or correction deadline per the notice of violation (whichever date occurs latest). Due to failure to gain timely compliance from the rental certificate renewal or expiration date within 151 days, all three late compliance fees as indicated in the table above were assessed to the above referenced property on the dates below totaling \$375 in penalty fees due:

- June 6, 2023 \$100 assessed
- July 5, 2023 \$125 assessed
- August 31, 2023, \$150 assessed



A late compliance notice was emailed to the appellant on June 28, 2023 as notice of fees due and inspection required. Additional late compliance notices were mailed to the appellant on the dates below due to the expired nature of the rental property, outlining code language around late compliance fees and direction to contact our department to resolve outstanding fees and corrections. This prompted the appellant to connect with our team to request waiving of late compliance fees:

- August 31, 2023
- September 22, 2023
- October 24, 2023

The request was denied due to the following:

- Rental owners/managers are required to display their registration certificates at their rental properties, per Sec. 7-9-8 (which details when the license expires) and are responsible for ensuring the certificate is maintained.
- The City provides a public-facing online tool, Citizen Access, in which rental managers and owners can utilize to manage their rental records (including paying fees).
- When reviewing requests to waive fees, we must remain consistent. In similar situations, we have stood firm on assessing fees as we have communicated the needs of bringing the rental into compliance on our end, and no action has been taken within 151 days of the rental certificate expiration date.

Recommendation

While the appellant states they did not receive proper communication of the notice of violation or penalty fees due, our records show proper notice was had and additional tools exist for rental managers and owners to review the status of their rental properties. The Manager of Housing and Neighborhood Services Manager recommends Board of Appeals deny the appeal.

Appeal Analysis

The concerns expressed by the owner are valid, but added communication alone is not reason to consider an appeal to penalty fees assessed when a rental property is more than nine months expired. Communication was had regarding the above referenced property and the steps for compliance. Rental owners and managers are responsible for maintaining compliance of their registration certificate. This request to refund penalty fees paid was reviewed and compared to previous determinations with similar occurrences.

Thank you,
Taryn Edens, Manager of Housing and Neighborhood Services



Board of Appeals Petition for Hearing

About Petitions for Hearings

The board may hear and decide appeals of orders, decisions, or determinations made by the building official, fire chief, and/or their designee, relative to the application and interpretation of the building code, housing code and/or fire code. Appeals may be from code interpretations, such as modifications resulting from practical difficulties, alternative materials, design, and methods of construction and equipment, and performance-based fire and safety design. Appeals are not allowed for legislative decisions made by the city council, such as the contents of the codes/ordinances.

The board may remedy any issue or error it has found with an interpretation or order related to the code and grant such relief as it deems reasonable from strict compliance which may include additional requirements, but no relief shall be granted unless it is found that:

1. There is substantial compliance with the provisions of the code;
2. No detriment to public health or safety will result from granting such relief;
3. The intent of the code is not compromised; and
4. The relief granted will not result in increased cost or expense to the city.

Application

To file a petition, send this completed form with any relevant documentation to rbsrental@rochestermn.gov within 10 days of the adverse determination ([Chapter 1-4](#) of the [Rochester Code of Ordinances](#)).

Applications require a \$75 fee to cover administrative and handling costs, which must be paid before the appeal will be scheduled.

Check One: Fire Code Building Code Other

Petitioner's Name: _____

Address of Affected Property: _____

Date of Notice or Order: _____

Petitioner's Mailing Address: _____

Petitioner's Phone Number: _____

Petitioner's Email Address: _____

Preferred Meeting Date(s): _____

Statement of the Grounds for the Appeal (additional sheets may be added): _____

Date

Petitioner's signature



City of Rochester
 COMMUNITY DEVELOPMENT DEPARTMENT
 4001 West River Pkwy NW,
 Suite 100 Rochester MN 55901-6971
 PHONE (507) 328-2600 FAX (507) 328-2601
 www.rochestermn.gov

November 4, 2022

A J COMPANIES LLC
 FIVE STAR PROPERTIES
 1003 1 AVE SE
 ROCHESTER, MN 55904

BIENNIAL HOUSING REGISTRATION AND INSPECTION NOTICE

This rental property is due for the payment of the renewal fee and scheduling of a routine inspection per Rochester City Ordinance Chapter 7, Section 7-1-10 . The renewal fee must be paid **prior** to scheduling the inspection. (A late fee will be assessed if renewal fees are not received prior to the expiration date of the rental license.)

- * Please detach the notice below and return with your check payable to the City of Rochester.
- * **For your convenience, we also accept credit card payments in person or online at www.rochestermn.gov/citizenaccess as a registered user.**

After payment has been received you must call 507-328-2600 to schedule an inspection.

REMINDER: The landlord or property manager must be present to escort the building inspector throughout the dwelling/building.

Below are a few items to remember while preparing for the inspection.

- * Test smoke detectors for operation. Replace your battery or hard-wired detectors if older than 10 years.
- * If fire extinguishers are required, they must be inspected and tagged annually by a qualified technician.
- * Carbon monoxide-detectors in all rental properties having fuel burning-appliances (such as gas water heater, stove, furnace, etc.)
- * A detailed checklist is available on our website -

<https://www.rochestermn.gov/government/departments/building-safety/rental-housing>

- * If you have sold your rental property please let us know by completing a termination form found on our website at: <https://www.rochestermn.gov/government/departments/building-safety/rental-housing>

THIS IS YOUR ONLY NOTICE

detach here and return with payment

Rental Property Address

206 11 AVE SE
 Rental License No. R06-0931H
 Renewal Fees 186.00
 Expiration Date 02/01/2023
 Building Type DUPLEX
 Number of approved units 2

From: [City of Rochester](#)
Sent: Friday, January 7, 2022 3:57 PM
To: [Edens, Taryn](#)
Subject: Rental Housing Updates

[EXTERNAL SENDER]: Do not open links/attachments if uncertain about the sender and never give out your user id and password.

Happy New Years to our rental property community!

Thank you for all you have done for the residents of Rochester this past year. Specifically, thank you to all of you who took the time to complete the rental data survey sent on behalf of the Rochester Area Foundation. The City and the Foundation are analyzing the data and hope to create a report we can share with those who completed the survey.

The City of Rochester has a great deal in store in 2022, and want to provide a current update as well as a preview to what is to come. The City is moving their rental forms to fillable online forms. Specifically, the following forms are on our website and links to save are below. All forms can be found at:

<https://www.rochestermn.gov/government/departments/building-safety/rental-housing>

The following forms are now fillable online:

- [Rental Property Certificate Application](#)
- [Request an Inspection](#) (this is a new online way to request times and state your availability for scheduling your rental inspection)
 - [Rental Modification or Extension Request](#)

Coming soon: The Rental Property Owner and Manager Update, Rental Housing Picture or Video Submission, and Rental Certificate Termination Request forms are in the works of being updated and made live online forms. These will be added to our website when available, and communicated to you all.

More to come in 2022: we are planning to update our housing code to better align with the International Property Maintenance Code. The City hopes to get the new code adopted in the first quarter of 2022 and postpone enforcement of the new code until quarter 3 of 2022. We will be sending the draft code, a high level overview, and an opportunity to comment on significant changes in the coming days.

Thank you again to all who have provided feedback thus far and we encourage you all to provide input so we may adopt the best processes to serve our rental owners, managers, and residents.

Sincerely,

Taryn Edens

Pronouns: she/her/hers

Manager of Housing & Neighborhood Services

Community Development

City of Rochester, Minnesota

4001 West River Parkway NW, Suite 100, Rochester, MN 55901

Office: 507-328-2600 |

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This email was sent to tedens@rochestermn.gov using GovDelivery Communications Cloud on behalf of: City of Rochester · 201
4th Street SE · Rochester, MN 55904 · 507-328-2900



From: [City of Rochester](#)
Sent: Wednesday, January 12, 2022 12:51 PM
To: [Edens, Taryn](#)
Subject: Housing Code

[EXTERNAL SENDER]: Do not open links/attachments if uncertain about the sender and never give out your user id and password.

Greetings rental property owners and managers.

The City of Rochester is proposing to adopt an updated housing code in the first quarter of 2022 and delay enforcement until the third quarter of 2022. The housing code update has been in the making for over 12 months with feedback being sought from different City departments as well as rental owners and managers. The intentions of the housing code update has been communicated to the City Council on at least two occasions in 2021, with the short term rental ordinance being adopted separately in September, 2021.

This is proposed to go to the City Council on three occasions. These meetings are public, and more information can be found at our website: <http://rochestercitymn.igm2.com/Citizens/Calendar.aspx>. The public can join all City Council meetings virtually by copying this link into your web browser: <https://bit.ly/2OGnZYB>.

- February 7, 2022 at 7:00PM – Reports and Recommendations
- February 23, 2022 at 7:00PM – Initial Ordinance Reading
- March 7, 2022 at 7:00PM – Final Ordinance Reading

We want to hear your feedback on the proposed code amendments. Please take the time to review the proposed changes and fill out our digital survey, where you will find a series of questions regarding these four pieces of the code that will have the most impact, as well as an opportunity to provide any additional feedback on the code proposal at large. Thank you for participating. We look forward to hearing from you.

- [Click here](#) for an overview video about the Proposed Housing Code.
- [Click here](#) for a document summarizing the Proposed Housing Code.
- [Click here](#) to complete the digital survey and provide feedback.
- [Click here](#) to review the Proposed Housing Code in its entirety.

Warm regards,

Taryn Edens

Pronouns: she/her/hers

Manager of Housing & Neighborhood Services

City of Rochester, Minnesota

4001 West River Parkway NW, Suite 100, Rochester, MN 55901

Office: 507-328-2600

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4th Street SE · Rochester, MN 55904 · 507-328-2900



From: [City of Rochester](#)
Sent: Friday, October 21, 2022 12:06 PM
To: [Edens, Taryn](#)
Subject: HOUSING CODE UPDATE

[EXTERNAL SENDER]: Do not open links/attachments if uncertain about the sender and never give out your user id and password.

Housing Code Enforcement Date is January 3, 2023

The City of Rochester approved a new housing code on April 18, 2022 with a delayed enforcement date to ensure the highest quality of service. The new Housing Code will go into effect on January 3, 2023. To learn more about the Housing Code Update and its impact to rental owners and managers, please visit our website: <https://www.rochestermn.gov/rental>

Property Incentive System

After each inspection, a property will be scored dependent on the number of violations found, and will result in a one-, two-, three- or four-year inspection cycle. The scoring system developed scores for properties based on their density of units. The incentive of this system is the potential for a longer duration between inspections. Properties placed on a one-year inspection cycle will be charged a minimum penalty fee of \$75.00 upon determination of the inspection cycle.

Renewal Fee Schedule Changing to Annual

Under the new code, renewal fees will be due on an annual basis (rather than when the property is due for inspection). This change, made based on property manager and owner feedback, will mean that the rental certificate will be issued once payment has been received each year. On the year that an inspection is due, a compliant inspection will also be required for permit issuance. The next inspection date will be included on the rental certificate.

With the transition from biennial to annual fees, the renewal fee for rental licenses will be redistributed (i.e. the \$112 biennial payment will be \$56 annual payment). This change in fees will take place for new use rentals and when a rental is due for renewal:

Fee Name	Current Fees (assessed biennially)	Proposed Fees (assessed annually)
Rental Property Registration Certificate Fees (each building)	\$112	\$56
Rental Property Registration Fees (per unit)	\$37	\$18.50

Taryn Edens
Pronouns: she/her/hers
Manager of Housing & Neighborhood Services
Community Development
City of Rochester, Minnesota
4001 West River Parkway NW, Suite 100, Rochester, MN 55901
Office: 507-328-2600

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From: [City of Rochester](#)
Sent: Wednesday, August 31, 2022 5:21 PM
To: [Edens, Taryn](#)
Subject: HOUSING CODE UPDATE
Attachments: [Program Overview - Risk Mitigation.pdf](#)
[MASTER LEASE Information for Landlords 12-2020.pdf](#)
[PATCH Program Description.pdf](#)

[EXTERNAL SENDER]: Do not open links/attachments if uncertain about the sender and never give out your user id and password.

Housing Code Enforcement Date Forthcoming

To ensure the highest quality of service, the City of Rochester is anticipating a delayed enforcement date for the Housing Code Update (Update approved April 18, 2022). More details on the proposed enforcement date will be forthcoming on October 1, 2022. To learn more about the Housing Code Update and its impact to rental owners and managers, please visit our website: <https://www.rochesternm.gov/rental>

Property Incentive System

After each inspection, a property will be scored dependent on the number of violations found, and will result in a one-, two-, three- or four-year inspection cycle. The scoring system developed scores for properties based on their density of units. The incentive of this system is the potential for a longer duration between inspections. Properties placed on a one-year inspection cycle will be charged a minimum penalty fee of \$75.00 upon determination of the inspection cycle.

Renewal Fee Schedule Changing to Annual

Under the new code, renewal fees will be due on an annual basis (rather than when the property is due for inspection). This change, made based on property manager and owner feedback, will mean that the rental certificate will be issued once payment has been received each year. On the year that an inspection is due, a compliant inspection will also be required for permit issuance. The next inspection date will be included on the rental certificate.

With the transition from biennial to annual fees, the renewal fee for rental licenses will be redistributed (i.e. the \$112 biennial payment will be \$56 annual payment). This change in fees will take place for new use rentals and when a rental is due for renewal:

Fee Name	Current Fees (assessed biennially)	Proposed Fees (assessed annually)
Rental Property Registration Certificate Fees (each building)	\$112	\$56
Rental Property Registration Fees (per unit)	\$37	\$18.50

The attached resources were discussed at the Landlord Engagement meeting in July, hosted by Olmsted County Housing & Redevelopment Authority. Please reach out to Bill Franken bill.franken@olmstedcounty.gov if you have additional questions.

RENTAL LICENSE TIPS

Has your contact information changed in the last two years? Be sure to complete an [owner or rental manager contact update form](#) so we can ensure rental license information is properly communicated. Please reach out to our rental administration team at rsrental@rochestermn.gov if you have additional questions.

Thank you,

Taryn Edens
Manager of Housing & Neighborhood Services
City of Rochester, Minnesota
4001 West River Parkway NW, Suite 100, Rochester, MN 55901
507-328-2600

- [Program Overview - Risk Mitigation.pdf](#)
- [MASTER LEASE Information for Landlords 12-2020.pdf](#)
- [PATCH Program Description.pdf](#)

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From: [City of Rochester](#)
Sent: Thursday, December 29, 2022 9:21 AM
To: [Edens, Taryn](#)
Subject: Housing Code Update

[EXTERNAL SENDER]: Do not open links/attachments if uncertain about the sender and never give out your user id and password.

Housing Code Enforcement Date is January 3, 2023

The City of Rochester approved a new housing code on April 18, 2022 with a delayed enforcement date to ensure the highest quality of service. The new Housing Code will go into effect on January 3, 2023. To learn more about the Housing Code Update and its impact to rental owners and managers, please visit our website

<https://www.rochestermn.gov/rental>

Property Incentive System

The property incentive system will impact rental properties with a renewal date of April 1, 2023 or later. After each inspection, a property will be scored dependent on the number of violations found, and will result in a one-, two-, three- or four-year inspection cycle. The scoring system developed scores for properties based on their density of units. The incentive of this system is the potential for a longer duration between inspections. Properties placed on a one-year inspection cycle will be charged a minimum penalty fee of \$75.00 upon determination of the inspection cycle.

Renewal Fee Schedule Changing to Annual

The updated renewal fees will impact rental properties with a renewal date of April 1, 2023 or later. Under the new code, renewal fees will be due on an annual basis (rather than when the property is due for inspection). This change, made based on property manager and owner feedback, will mean that the rental certificate will be issued once payment has been received each year. On the year that an inspection is due, a compliant inspection will also be required for permit issuance. The next inspection date will be included on the rental certificate.

With the transition from biennial to annual fees, the renewal fee for rental licenses will be redistributed (i.e. the \$112 biennial payment will be \$56 annual payment).

What items are being inspected differently?

- For new use rentals:
 - The code requires every habitable space to contain at least two separate and remote receptacle outlets to service small appliances on countertop surfaces.
 - The minimum window sill height requirement is 44".
- Fire extinguishers will be required in each unit of a rooming house that has three or more units
- All rentals will now be required to provide single or multiple-station smoke alarms depending on the occupancy of the building. More information is found on our website listed by reviewing Section 7-8-38 through 7-8-45 of the Rochester Code of Ordinances.
- Carbon monoxide detectors must be 10' from any sleeping unit rather than every bedroom (with some exceptions).

When non-rechargeable fire extinguishers are made available to residents, they can be self-verified rather than require a licensed contractor to inspect by adhering a tag we provide:

<https://www.rochestermn.gov/home/showpublisheddocument/35289/637848556893130000>

Taryn Edens
Manager of Housing & Neighborhood Services

Community Development
City of Rochester, Minnesota
4001 West River Parkway NW, Suite 100, Rochester, MN 55901
Office: 507-328-2600

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4th Street SE · Rochester, MN 55904 · 507-328-2900



PDF

Summary	
Importance	Normal
Subject	Housing Code Update
Recipients	Subscribers of Rental Housing Owner Manager Communication
Date Sent	12/29/2022 09:20 AM CST
Total Sent	3,062
Delivered	3,039
Shared Views	0

CSV

<input type="text" value="bimalone113@yahoo.com"/>	<input type="text" value="All"/>	<input type="text" value="Search Failure Messages"/>	<input type="text" value="All"/>	<input type="text" value="All"/>	<input type="button" value="SEARCH"/>
Destination Address ↑	Delivery Status	Failure Message	Total Opens	Total Clicks	Click Summary
bimalone113@yahoo.com	Delivered		1	0	

PDF

Summary	
Importance	Normal
Subject	HOUSING CODE UPDATE
Recipients	Subscribers of Rental Housing Owner Manager Communication
Date Sent	10/21/2022 12:05 PM CDT
Total Sent	2,985
Delivered	2,966
Shared Views	0

CSV

<input type="text" value="bimalone113@yahoo.com"/>	<input type="text" value="All"/>	<input type="text" value="Search Failure Messages"/>	<input type="text" value="All"/>	<input type="text" value="All"/>	<input type="button" value="SEARCH"/>
Destination Address ↑	Delivery Status	Failure Message	Total Opens	Total Clicks	Click Summary
bimalone113@yahoo.com	Delivered		2	0	

PDF

Summary	
Importance	Normal
Subject	HOUSING CODE UPDATE
Recipients	Subscribers of Rental Housing Owner Manager Communication
Date Sent	08/31/2022 05:20 PM CDT
Total Sent	2,955
Delivered	2,943
Shared Views	0

CSV

Destination Address ↑	Delivery Status	Failure Message	Total Opens	Total Clicks	Click Summary
blmalone113@yahoo.com	Delivered		2	0	

PDF

Summary	
Importance	Normal
Subject	Housing Code
Recipients	Subscribers of Rental Housing Owner Manager Communication
Date Sent	01/12/2022 12:50 PM CST
Total Sent	2,718
Delivered	2,548
Shared Views	0

CSV

Destination Address ↑	Delivery Status	Failure Message	Total Opens	Total Clicks	Click Summary
blmalone113@yahoo.com	Delivered		1	0	

Keller, Jessica

From: RBS Rental Mail
Sent: Wednesday, June 28, 2023 1:29 PM
To: jim.mcgeeney@gmail.com
Subject: 206 11 AVE SE - NEEDS ATTENTION

Hello,

I am reaching out in regards to the expired rental property:

- **R06-0931H – Fees due, Inspection Required**

Register to access your rental inventory and make payments:

<https://aca.rochestermn.gov/CitizenAccess/Default.aspx>

Please reach out via email, phone (507)328-2600 or [online](#) to request an inspection

Thank you,



Housing and Neighborhood Services

Community Development
City of Rochester, Minnesota

4001 West River Parkway NW, Suite 100, Rochester, MN 55901

Office: 507-328-2600

Please email rbsrental@rochestermn.gov for all rental communications.

This message may contain confidential or legally privileged information belonging to the sender. If you have received this message by mistake, please immediately notify the sender, delete the original message, and destroy all copies.



City of Rochester
4001 West River Parkway NW, STE 100
Rochester, MN 55901-7090

Website: www.rochestermn.gov/cd
Email: rbsrental@rochestermn.gov
Phone: 507-328-2600

A J COMPANIES LLC
MCGEENEY, JIM
1432 MEADOW LN SW
ROCHESTER, MN 55902

August 31, 2023

LATE COMPLIANCE NOTICE

Rental License: R06-0931H
Rental Property Address: 206 11 AVE SE
Rental Expiration Date: 02/01/2023
Notice: Expired - First Warning

The above listed rental certificate has expired. The following item/s must be resolved to renew your rental certificate:

Fees Due and Inspection needs to be Scheduled

Please contact Community Development at 507-328-2600 within 21 days from the date of this notice to make arrangements to resolve the above items. If arrangements are not made, we reserve the right to refer to the city attorney for legal action. Renting without a valid rental certificate is a violation of RCO 7-9-1.

If a rental registration renewal fee is not recieved by the director prior to expiration of the certificate, additional fees will be assessed accumulatively as follows:

- 1-30 days past due: \$30
- 31-60 days past due: \$50
- 61-90 days past due: \$50

Furthermore, penalty fees will be assessed when a certificate has been non-compliant and expired beyond 90 days. This would be applied for rental certificates beyond 90 days from renewal date or the correction deadline per the notice of violation issued at the most recent inspection: whichever is later.

Additional fee will be assessed based on the number of units accumulatively per the fee schedule until the certificate is in compliance.

Number of days past due	1-4 units	5-12 units	12+ units
91-120 days	\$100	\$150	\$250
121-150 days	\$125	\$250	\$500
151-180 days	\$150	\$500	\$750
181 days or more	Referred to City Attorney for legal action	Referred to City Attorney for legal action	Referred to City Attorney for legal action

Taryn Edens
Manager of Housing and Neighborhood Services



City of Rochester
4001 West River Parkway NW, STE 100
Rochester, MN 55901-7090

Website: www.rochestermn.gov/cd
Email: rbsrental@rochestermn.gov
Phone: 507-328-2600

A J COMPANIES LLC
MCGEENEY, JIM
1432 MEADOW LN SW
ROCHESTER, MN 55902

September 22, 2023

LATE COMPLIANCE NOTICE

Rental License: R06-0931H
Rental Property Address: 206 11 AVE SE
Rental Expiration Date: 02/01/2023
Notice: Expired - Second Warning

The above listed rental certificate has expired. The following item/s must be resolved to renew your rental certificate:

Payment Due and Inspection needs to be scheduled

Please contact Community Development at 507-328-2600 within 14 days from the date of this notice to make arrangements to resolve the above items. If arrangements are not made, we reserve the right to refer to the city attorney for legal action. Renting without a valid rental certificate is a violation of RCO 7-9-1.

If a rental registration renewal fee is not recieved by the director prior to expiration of the certificate, additional fees will be assessed accumulatively as follows:

- 1-30 days past due: \$30
- 31-60 days past due: \$50
- 61-90 days past due: \$50

Furthermore, penalty fees will be assessed when a certificate has been non-compliant and expired beyond 90 days. This would be applied for rental certificates beyond 90 days from renewal date or the correction deadline per the notice of violation issued at the most recent inspection: whichever is later.

Additional fee will be assessed based on the number of units accumulatively per the fee schedule until the certificate is in compliance.

Number of days past due	1-4 units	5-12 units	12+ units
91-120 days	\$100	\$150	\$250
121-150 days	\$125	\$250	\$500
151-180 days	\$150	\$500	\$750
181 days or more	Referred to City Attorney for legal action	Referred to City Attorney for legal action	Referred to City Attorney for legal action

Taryn Edens
Manager of Housing and Neighborhood Services



City of Rochester
4001 West River Parkway NW, STE 100
Rochester, MN 55901-7090

Website: www.rochestermn.gov/cd
Email: rbsrental@rochestermn.gov
Phone: 507-328-2600

A J COMPANIES LLC
MCGEENEY, JIM
1432 MEADOW LN SW
ROCHESTER, MN 55902

October 24, 2023

Final Notice of Late Compliance

Rental License: R06-0931H
Rental Property Address: 206 11 AVE SE
Rental Expiration Date: 02/01/2023
Notice: Expired - Final Notice

The above listed rental certificate has expired. The following item/s must be resolved to renew your rental certificate:

Payment Due and Inspection needs to be scheduled

Please contact Community Development at 507-328-2600 within 7 days from the date of this notice to make arrangements to resolve the above items. If arrangements are not made, we reserve the right to refer to the city attorney for legal action. Renting without a valid rental certificate is a violation of RCO 7-9-1.

If a rental registration renewal fee is not recieved by the director prior to expiration of the certificate, additional fees will be assessed accumulatively as follows:

- 1-30 days past due: \$30
- 31-60 days past due: \$50
- 61-90 days past due: \$50

Furthermore, penalty fees will be assessed when a certificate has been non-compliant and expired beyond 90 days. This would be applied for rental certificates beyond 90 days from renewal date or the correction deadline per the notice of violation issued at the most recent inspection: whichever is later.

Additional fee will be assessed based on the number of units accumulatively per the fee schedule until the certificate is in compliance.

Number of days past due	1-4 units	5-12 units	12+ units
91-120 days	\$100	\$150	\$250
121-150 days	\$125	\$250	\$500
151-180 days	\$150	\$500	\$750
181 days or more	Referred to City Attorney for legal action	Referred to City Attorney for legal action	Referred to City Attorney for legal action

Taryn Edens
Manager of Housing and Neighborhood Services



COMMUNITY DEVELOPMENT
4001 West River Pkwy NW, Suite 100
ROCHESTER, MN 55901-6971
PHONE (507) 328-2600
FAX (507) 328-2601
www.rochestermn.gov

RECEIPT

Application Number: R06-0931H
Permit Application Type: Rental Housing
Site Address: 206 SE 11 AVE, ROCHESTER, MN 55904
Date: 11/02/2023
Receipt Number: 241436
Description of Work: DUPLEX
Payment Received From: A J COMPANIES LLC

Payment Method	Check#	Comment	Amount
Credit Card			\$641.00

Cashier ID: Durhman, Leslie

PAYMENT DETAILS

Invoice No.	Fee Category	Fees Paid
264012	2 Year Building Fee	\$112.00
264013	2 Year Unit Fee	\$74.00
271614	1-30 Day Penalty Fee (Batch Process)	\$30.00
274207	31-60 Day Penalty Fee (Batch Process)	\$50.00
278362	Late Compliance Fee 1-4 Units 91-120 days	\$100.00
280431	Late Compliance Fee 1-4 Units 121-150 days	\$125.00
284090	Late Compliance Fee 1-4 Units 151-180 days	\$150.00

Total Paid: \$641.00

In the Matter of the Appeal of Appeal of late Compliance Fees assessed for 206-11th Avenue SE, Rochester

I, James McGeeney, hereby state the following regarding the above-appeal.

1. I am the owner and sole member of AJ Companies, LLC. AJ Companies address is 1432 Meadow Lane, SW, Rochester, MN 55902. Prior to April 2006, AJ Companies address was 2352- 22nd Street NW, Rochester, MN 55901. AJ Companies address has never been 1003- 1st Avenue SE, Rochester, MN 55904.
2. AJ Companies, LLC is the owner of the rental property located at 206-11th Avenue SE, Rochester, MN 55904.
3. Tim Malone and 5 Star Properties have managed the rental at 206-11th Avenue SE for AJ Companies since 2005. Up until Covid 19 happened 5 Star Properties had always received notices of renewal for my rental certificate, scheduled the required inspections and informed me of the fees due.
4. During Covid, there were issues getting the required inspections done for rental properties in Rochester. I received a notice that my inspection had not been completed for 2021-2022 from the City. I called 5 Star properties and Bryan Malone informed me that he had requested an inspection be scheduled but that due to Covid the City was behind on getting inspections scheduled. I confirmed that my check for the inspection fee had been cashed by the City and eventually the inspection was done and the rental certificate was issued.
5. I received a letter from the City dated October 24, 2003 addressed as follows:

AJ COMPANIES LLC
MCGEENEY, JIM
1432 MEADOW LANE SW
ROCHESTER, MN 55902

6. This letter advised me, for the first time, that the rental certificate had expired and that payment of \$505.00 in late fees had been assessed for failing to respond to the previous notice.

7. I immediately contacted Tim Malone and he advised he had not received notice of the expiring certificate and had not received notice of the assessment of the late fees, including the City implantation of a new table of non-compliance fees.
8. I called Ms. Eden's office that day and did not receive a response.
9. The next date I went to the Rochester Community Development Office on West River Pkwy to inquire about this notice. While there I spoke to 2 representatives who advised Ms. Edens was not in and that they would try to help me figure out what happened.
10. One employee (a male, whose name I cannot recall) came out with a laptop computer and looked up the records the City had for AJ Companies. He advised, and I could see on the screen, that the email address listed for AJ Companies was JMCGEENEY@CHARTER.NET He advised me that the City had sent multiple emails to that email address informing me of the new fee assessment schedule. I advised him that email address was defunct and had not been used by me since 2008. He then looked further and found my current email (the one I provided to the City in 2008 when I changed emails) of jim.mcgeeney@charter.com. He then said the emails must have gone to that email address. I searched my email account for all email sent the previous 12 months and found no emails from the City. I informed him of this and he advised the City's system was down and he would research and find the letter and emails that were sent.
11. On October 31, 2023, Ms. Edens emailed me at jim.mcgeeney@charter.com that the City's email regarding the new housing code assessment fees was not sent to either of the email addresses list on the laptop when I was at the office, but instead sent to blmalone113@gmail.com. This email address never appeared as an email listed on the City's system when I was there inquiring about the notices. This email belongs to Bryan Malone, who does work for both AJ Companies and 5 Star properties, BUT- Bryan Malone has never been the property manager for 206-11th Avenue SE, nor has he ever been the primary contact person for this address.
12. Ms. Edens indicates in her email to me on October 31, 2023 that the late fees would stand because blmalone113@gmail.com is the primary contact for 206-11th Avenue SE. this is simply not true. In addition, she attached the inspection notice the City is alleged to have sent to AJ Companies. This notice was addresses as follows:

AJ COMPANIES LLC
FIVE STAR PROPERTIES
1003- 1 AVE SE
ROCHESTER, MN 55904

Tim Malone confirmed with me he never received this letter, and AJ Companies' address is not 1003-1 AVE SE.

Ms. Edens also attached a letter alleged to have been mailed to AJ Companies at the correct address of 1432 Meadow Alne SW dated September 22, 2023. I affirm in this writing, under oath, I never received this letter.

13. Bryna Malone has never been the primary contact for my property. It is clear from the City's own records that they were confused about where to send notices for 206-11th Avenue SE. The City has had problems sending notices to the correct mailing address and email address. It is also clear the City sent notices that were never received.

14. I am not asking to be relieved of the original late fees of \$130.00, but I am respectfully requesting the new fees, for which I never received notice of, be forgiven totaling an additional \$375.00

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: December 12, 2023
in Olmsted County, Minnesota

/s/ James McGeeney
James McGeeney

In the Matter of the Appeal of Appeal of late Compliance Fees assessed for 206-11th Avenue SE, Rochester

I, Timothy Malone, hereby state the following regarding the above-appeal.

1. I am the owner of 5 Star Properties and own or manage approximately 25 properties in Rochester.
2. 5 Star Properties address is 1003- 1st Avenue SE, Rochester, MN 55904.
3. I have managed 206-11th Avenue SE, Rochester, MN 55904 for Jim McGeeney/AJ Companies since 2005.
4. Since 2005 I would receive the notices of renewal for this property, arrange the inspection and obtain and safeguard the rental certificates.
5. Since Covid 19 happened, I have not received all the regular mailings I used to get from Rochester for all the properties I own or manage.
6. I never received any notice that the rental certificate for 206-11th Avenue was due to expire and needed renewal. This includes mailed notice, which has always been the method used to notify us that a rental certificate was due for renewal.
7. The first time I learned of the non-compliance with this property was when Jim McGeeney notified me he had received mailed notice to the AJ Companies address.
8. I never received any mail addressed to AJ Companies at 1003- 1st Avenue SE, Rochester, MN 55904.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: December 12, 2023
in Olmsted County, Minnesota

/s/ Timothy Malone
Timothy Malone

In the Matter of the Appeal of Appeal of late Compliance Fees assessed for 206-11th Avenue SE, Rochester

I, Bryan Malone, hereby state the following regarding the above-appeal.

1. I am self-employed and do work for 5 Start Properties; Jim McGeeney, and AJ Companies.
2. I have never given my email address as the email contact for AJ Companies or the address at 206-11th Avenue SE, Rochester, MN 55904.
3. I have given my phone number to Rochester to schedule inspections and up until 2023 always received renewal/inspection notices, etc. from Rochester by US Mail.
4. I have no knowledge of any email contact from Rochester regarding this property's rental renewal certificate or late fees.
5. Since 2005 I have never been the contact person for this property regarding license renewals or fees.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: December 12, 2023
in Olmsted County, Minnesota

/s/ Bryan Malone
Bryan Malone

Rental at 206 11 Ave SE

Tue, Oct 31, 2023 at 2:47 PM

Edens, Taryn <TEdens@rochestermn.gov>

To: Jim McGeeney <jim.mcgeeney@gmail.com>

Cc: "Jones, Lori" <LJones@rochestermn.gov>, RBS Rental Mail <rbsrental@rochestermn.gov>

Mr. McGeeney,

My apologies, I thought I had since given new information since my October 19th email. Ultimately, we found that all of our email communication on new housing code updates have been sent to blmalone113@yahoo.com, which I understand to be property management representation and listed as the primary contact for this rental property. Emails were not sent to either of the emails mentioned for yourself: jmcgeeney@charter.net; jim.mcgeeney@gmail.com.

Since this is not unique to other rentals in which late compliance fees were assessed, in which communications were sent to the primary contact on file, the fees stand as mentioned previously.

Ultimately, you are able to appeal this decision to impose penalty fees to the Board of Appeals which would be the appropriate place and next steps to appeal determinations of the Housing Code. There is an additional cost associated with filing an appeal of \$75. The board is reserved to meet monthly, but can accommodate requests within ten days of filing an appeal if requested. Here is the form to complete a petition for a hearing: <https://www.rochestermn.gov/home/showdocument?id=38012&t=638143946344234700>.

Per Chapter 1-4 of the Rochester Code of Ordinances, **you have ten days to file the appeal from the date of this email, October 31, 2023.** Note that we have two appeals tomorrow, and it's possible the outcomes of these appeals might guide your decision as well.

In the meantime, I am agreeable to your paying the fees to schedule inspections to proceed while you still reserve the right to request an appeal. Just as well, I am agreeable to putting our referral on hold until this is reviewed/determined as well.

I'm happy to give you a call back tomorrow to discuss further.

Thank you,

[Quoted text hidden]



City of Rochester
 COMMUNITY DEVELOPMENT DEPARTMENT
 4001 West River Pkwy NW,
 Suite 100 Rochester MN 55901-6971
 PHONE (507) 328-2600 FAX (507) 328-2601
 www.rochestermn.gov

November 4, 2022

A J COMPANIES LLC
 FIVE STAR PROPERTIES
 1003 1 AVE SE
 ROCHESTER, MN 55904

BIENNIAL HOUSING REGISTRATION AND INSPECTION NOTICE

This rental property is due for the payment of the renewal fee and scheduling of a routine inspection per Rochester City Ordinance Chapter 7, Section 7-1-10 . The renewal fee must be paid prior to scheduling the inspection. (A late fee will be assessed if renewal fees are not received prior to the expiration date of the rental license.)

- * Please detach the notice below and return with your check payable to the City of Rochester.
- * **For your convenience, we also accept credit card payments in person or online at www.rochestermn.gov/citizenaccess as a registered user.**

After payment has been received you must call 507-328-2600 to schedule an inspection.

REMINDER: The landlord or property manager must be present to escort the building inspector throughout the dwelling/building.

Below are a few items to remember while preparing for the inspection.

- * Test smoke detectors for operation. Replace your battery or hard-wired detectors if older than 10 years.
- * If fire extinguishers are required, they must be inspected and tagged annually by a qualified technician.
- * Carbon monoxide-detectors in all rental properties having fuel burning-appliances (such as gas water heater, stove, furnace, etc.)
- * A detailed checklist is available on our website -

<https://www.rochestermn.gov/government/departments/building-safety/rental-housing>

- * If you have sold your rental property please let us know by completing a termination form found on our website at: <https://www.rochestermn.gov/government/departments/building-safety/rental-housing>

THIS IS YOUR ONLY NOTICE

detach here and return with payment

Rental Property Address

206 11 AVE SE

Rental License No.

R06-0931H

Renewal Fees

186.00

Expiration Date

02/01/2023

Building Type

DUPLEX

Number of approved units

2



City of Rochester
 4001 West River Parkway NW, STE 100
 Rochester, MN 55901-7090

Website: www.rochestermn.gov/cd
 Email: rbsrental@rochestermn.gov
 Phone: 507-328-2600

A J COMPANIES LLC
 MCGEENEY, JIM
 1432 MEADOW LN SW
 ROCHESTER, MN 55902

September 22, 2023

LATE COMPLIANCE NOTICE

Rental License: R06-0931H
Rental Property Address: 206 11 AVE SE
Rental Expiration Date: 02/01/2023
Notice: Expired - Second Warning

The above listed rental certificate has expired. The following item/s must be resolved to renew your rental certificate:

Payment Due and Inspection needs to be scheduled

Please contact Community Development at 507-328-2600 within 14 days from the date of this notice to make arrangements to resolve the above items. If arrangements are not made, we reserve the right to refer to the city attorney for legal action. Renting without a valid rental certificate is a violation of RCO 7-9-1.

If a rental registration renewal fee is not received by the director prior to expiration of the certificate, additional fees will be assessed accumulatively as follows:

- 1-30 days past due: \$30
- 31-60 days past due: \$50
- 61-90 days past due: \$50

Furthermore, penalty fees will be assessed when a certificate has been non-compliant and expired beyond 90 days. This would be applied for rental certificates beyond 90 days from renewal date or the correction deadline per the notice of violation issued at the most recent inspection: whichever is later.

Additional fee will be assessed based on the number of units accumulatively per the fee schedule until the certificate is in compliance.

Number of days past due	1-4 units	5-12 units	12+ units
91-120 days	\$100	\$150	\$250
121-150 days	\$125	\$250	\$500
151-180 days	\$150	\$500	\$750
181 days or more	Referred to City Attorney for legal action	Referred to City Attorney for legal action	Referred to City Attorney for legal action

Taryn Edens
 Manager of Housing and Neighborhood Services



City of Rochester
 4001 West River Parkway NW, STE 100
 Rochester, MN 55901-7090

Website: www.rochestermn.gov/cd
 Email: rbsrental@rochestermn.gov
 Phone: 507-328-2600

A J COMPANIES LLC
 MCGEENEY, JIM
 1432 MEADOW LN SW
 ROCHESTER, MN 55902

October 24, 2023

Final Notice of Late Compliance

Rental License: R06-0931H
Rental Property Address: 206 11 AVE SE
Rental Expiration Date: 02/01/2023
Notice: Expired - Final Notice

The above listed rental certificate has expired. The following item/s must be resolved to renew your rental certificate:

Payment Due and Inspection needs to be scheduled

Please contact Community Development at 507-328-2600 within 7 days from the date of this notice to make arrangements to resolve the above items. If arrangements are not made, we reserve the right to refer to the city attorney for legal action. Renting without a valid rental certificate is a violation of RCO 7-9-1.

If a rental registration renewal fee is not received by the director prior to expiration of the certificate, additional fees will be assessed accumulatively as follows:

- 1-30 days past due: \$30
- 31-60 days past due: \$50
- 61-90 days past due: \$50

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181 days or more	Referred to City Attorney for legal action	Referred to City Attorney for legal action	Referred to City Attorney for legal action

Taryn Edens
 Manager of Housing and Neighborhood Services

\$640⁰⁰ fee
\$150