

## City suspends rental licensing at Anoka apartment complex

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The city of Anoka put its new rental licensing rules to the test this week, issuing the first suspension since the ordinance was adopted this summer.

The city council unanimously voted suspend the rental license at 500 Greenhaven Road, a multi-family apartment complex owned by Jim Corriveau.

According to city staff, the sewer lift station on the property does not meet the state code requiring a complex of that size to have a backup system.

Planning Director Carolyn Braun reported that Corriveau had been formally notified twice, once in May and again in August, about the need to bring the lift station up to code.

The suspension approved Monday is temporary, giving Corriveau an Oct. 31 deadline to rectify the problem. At that point, if a back-up lift station has not been installed, the city can take action to revoke the rental license.

Mayor Phil Rice said he felt the council was on solid ground issuing the suspension.

He said his decision focused on the health, safety and welfare of the citizens.

“The spirit I have always looked at rental licensing is that we worked to try to create a local ordinance to protect renters from a dangerous or unhealthy situation,” said Rice, who added that he wasn’t without compassion for the case.

“We need a solution,” he said. “The code is there for a reason.”

Braun explained the suspension does not affect current tenants of the building.

“Those folks who are there do not have to leave,” said Braun. “They can stay there, there is no impact to them.”

Although it does prevent the landlord from renting apartments to any new tenants until the lift station is brought up to code.

But Corriveau argues he should not be forced to put in a back up lift station at the apartment complex.

Back in December of 2009 the city of Anoka stepped in and installed a new pump in the lift station at the Golf View Apartments, after there had been multiple concerns over property maintenance issues.

Two days before Christmas the decision was made for the city to go ahead and do the work on Corriveau’s property,

which also included clean up in the lower level of the apartment complex, where there had been a back-up.

Earlier this year the council then agreed to assess the more than \$41,000 cost of the installation and clean up to the property.

But Corriveau argues the city installed a system that cannot handle the sewer capacity of the apartment complex.

“It’s not fair to expect me to go install another substandard system... to appease the city of Anoka,” said Corriveau.

Corriveau reported the alarm installed to alert him of any problems with the new system has sounded 30 times in the past nine months.

He said he wouldn’t argue there have been challenges at the site.

“But to further punish and restrict me... I don’t think that’s the answer,” said Corriveau.

According to City Manager Tim Cruikshank, the system installed by the city met the specifications for the apartment complex.

“What I’m being told is it is not a substandard system,” said Cruikshank. “We were dealing with a crisis. It was installed with the expectation that the rest would be installed at a later date by the property owner.”

Corriveau argues that he had the problem solved last December.

“There were no complaints the day the city came in and did this,” said Corriveau. “The system was in place and had been working for nine days.”

During Monday’s public hearing on the suspension, Leon Fischer, who does not live in Anoka but owns property in the city, was critical of the council for stepping in to replace the pump at the lift station.

“You don’t belong leading a crew of maintenance people out there,” said Fischer.

He said council members had no right to be on the private property, going as far as to say they should be shot.

He accused two council members of personally working on the pump, which Cruikshank said was not the case.

“There were no elected officials that touched that equipment out there,” said Cruikshank.

During Monday’s public hearing there was also a report from a tenant that the gas had been turned off at the complex, due to an unpaid utility bill. This is also a violation of the city’s rental licensing ordinance, said Braun, which requires tenants to have access to use their stoves and hot water.

#### Lawsuit against the city

Corriveau has filed a civil suit in U.S. District Court against both the city of Anoka and J.P. Morgan Chase, his lender. The bank has started foreclosure proceedings on the property.

According to the complaint, Corriveau alleges that the city of Anoka has taken a number of actions since the replacement of the sewer pump that have damaged his business and his reputation.

He accuses the city of overstepping its authority when it went in to make repairs to the sewer lift station on the apartment complex property just before Christmas.

Corriveau's attorney, Chris Parrington, also explained a motion for a restraining order had been filed, which they hoped would result in a legal order to freeze the city from making any decisions on the property until the civil matter had been dealt with.

At the time of Monday's decision to suspend the rental license, a hearing had not yet been set.

Corriveau first purchased rental property in Anoka back in 1997, which eventually led to acquisition of the apartment complex located at 500 Greenhaven Road in October 2005. Of the 21 residential and commercial properties owned by Corriveau, 13 were in the city of Anoka. Corriveau has been a member of the Landlord Managers Association (LMA), an organization founded to respond to concerns and needs regarding rental housing in the city of Anoka.

According to the complaint, starting on Dec. 4, 2009 there were a series of problems with the pump at the lift station servicing the Golf View apartment complex, leaving tenants without sewer and water first for three days, and then intermittently until just before Christmas.

On Dec. 23, city of Anoka building officials posted "do not occupy" notices at the building where there had been problems with the lift station.

According to Cruikshank, he made the decision for the city to perform emergency work at the site.

"Because of the critical nature it was my decision," said Cruikshank. "It was the middle of winter and it was a health and safety concern."

Cruikshank said the building had been posted "do not occupy" and asking people to leave their homes two days before Christmas was not a viable option.

That same day the city hired two contractors to do work on the site. The first was responsible for cleaning up the lower level of the apartment building, where there had been a previous back-up, including the removal of carpet and Sheetrock. The second was hired to fix the private lift station that provides service to the building.

Back in January, Braun reported there had been problems with the lift station failing throughout the month.

Corriveau feels the city did not have the authority to go on the site, rip out walls and carpeting, and install a new pump. At the time of the incident, he said he had not received any documentation for violating city code.

The civil suit singles out Councilmember Mark Freeburg for his personal interest in the sewer problems at the apartment complex.

"We needed to make a corporate decision," said Freeburg. "We assessed the situation and decided to fix it. I couldn't see all those people moving out in the middle of winter. They were crying and they were upset."

The lawsuit alleges there was an altercation between Corriveau and Freeburg at the apartment complex on Dec. 23.

While Corriveau reports that Freeburg threatened him, Freeburg said it was actually the other way around.

“He threatened me,” said Freeburg. “I wasn’t going to stand for that.”

Freeburg said Corriveau was bad mouthing him on the site and words were exchanged.

“The city stepped up to the plate and did what he (Corriveau) didn’t do,” said Freeburg. “You’d think he would be thankful.”

According to Corriveau, he and Freeburg have a long-standing conflict over personal matters and the two have also been at odds in the past over the city’s adoption of rental licensing – a long and political process.

Corriveau is claiming \$75,000 in damages, plus legal fees, have stemmed from the city’s involvement at his property.

He claims that as a result of the city’s actions, his rental income has dropped, leaving him unable to pay the mortgages on several of his properties, with a high value of equity.

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