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## Suburbs seek fix for aging houses

Citing property owners has pros, cons for Inver Grove Heights, West St. Paul

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As the problem of dumpy-looking and poorly maintained property spreads from inner cities to aging suburbs, so does the debate over what to do about it.

Familiar arguments are resurfacing in Inver Grove Heights, which is considering whether to adopt an ordinance to enforce minimum appearance standards for homes and other property.

Franklin Martin, the suburb's chief building official, said the ordinance is needed to give officials stronger powers to eliminate nuisances such as bad roofs and siding, junk cars, unsightly storage of items, and similar eyesores. Property owners who don't comply could face citations and fines, get a bill from the city for abating the problem or, as a last resort, be taken to court.

"We do not have the tools in place to enforce maintenance provisions. Without such a provision, you can't address the issues that are of primary nuisance to neighborhoods: torn screens, broken doors, dilapidated roofing," Martin said. "Currently, there have to be building-code violations that would hamper life and public safety."

Martin said rundown properties exist "all over town" and include vacant farmhouses and collapsed barns. But the old village area, along Concord Street near the northern border with South St. Paul, appears to have a higher concentration of problems.

While the percentage of troubled properties remains low in the city of 33,000 residents, Mayor George Tourville said adoption of a nuisance-property ordinance is long overdue.

"We're not looking at kicking anybody out of their home," Tourville said. "But we need to get ahead of the problem, not behind it."

However, resistance from other members of the City Council recently derailed a proposed ordinance modeled after the one in neighboring West St. Paul.

In a City Council work session last month, member Dennis Madden and others raised objections to the adversarial tone of the draft ordinance and worried that city inspectors would be overly intrusive. Madden also objected to some of the provisions as too restrictive, such as one limiting the height of grass or weeds to eight inches.

"I want to see the ratty-looking property cleaned up, too," Madden said. "But there needs to be some sort of oversight so it's not just up to the inspector. I want the City Council involved if there's any serious move at all. If you get a real tyrant in there (as city inspector), you're going to have a real problem."

No date has been set for when an amended or scaled-back version of the proposal will surface on the council's agenda.

Martin said that, based on the experience of other cities, council members often "think worst-case scenarios" when considering such ordinances for the first time. But they usually become more comfortable when they see "how it operates and how the city uses it," he said.

Oversight and legal due process are already in place, Martin said. City inspectors are supervised by city managers, he said, while homeowners can challenge citations in Dakota County housing court.

Jim Laska, a 48-year resident, is disappointed by the slow progress in adopting a nuisance ordinance. He said he and other residents won't let the issue drop.

"It's very, very important," Laska said. "Our citizens deserve nothing less than to have an ordinance that defines standards and expectations."

### WEST ST. PAUL PROGRAM GOOD OR BAD?

The draft proposal was similar to one that has been in effect in West St. Paul for several years.

While West St. Paul formed in 1889 and Inver Grove Heights incorporated only in 1965, both have homes dating back to at least the early 20th century. Some of them obviously need repairs.

Martin is a fan of his neighboring city's ordinance and how it has been enforced.

"I think they've seen a lot of success," he said. "Neighborhoods look better."

But there's still debate among West St. Paulites about the ordinance and how it is enforced. Some think inspectors are too harsh and arbitrary. Others think they are too lax.

West St. Paul calls its inspection program PACE, an acronym for Pro-Active Code Enforcement. At one time, a city inspector went from house to house in problem neighborhoods, inspecting and issuing orders to correct violations. The worst offenders got citations if the problems weren't fixed, and some ended up in court.

Recently, however, West St. Paul has dropped aggressive enforcement and started to respond mostly to complaints — a sign of the inspection program's success, said city attorney Kori Land.

The change has rankled some residents, such as John Rapos, who wants inspectors to return to house-to-house inspections in targeted neighborhoods.

"The whole program seems like it's falling apart," Rapos said. "There's less enforcement. They're not doing code enforcement until someone brings it to their attention. The reality is most people don't say anything. A number of people are upset, those of us who have nice houses."

But even City Council members have been caught in the crosshairs of city inspectors, and at least one of them thinks the city should scrap what he considers to be an overly harsh program.

Nick Juarez, who represents one of the city's three wards on the seven-member City Council, said he was cited twice for a crumbling concrete retaining wall in front

of his house, which was built in 1890.

The first citation came shortly after he bought the house in 2003. The most recent one came last week, after neighbors raised questions about whether Juarez is getting favored treatment because of his status as a council member. The city says the wall poses no safety hazard.

"If it's unsightly to people and they want me to fix it, I'll fix it," Juarez said. "I agree it's unsightly. There's some paint coming off, cinderblock has fallen away."

Rather than getting special treatment, Juarez believes he's being singled out — as are other people who have complaints lodged against them.

"I don't see the purpose of the PACE program. It's supposed to be pro-active to preserve housing stock and bring property values up," Juarez said. "But it doesn't get to all the problems in the city. I can drive up every block in the north and find problems on every single house."

Juarez also said the program doesn't take into account the modest financial means of many West St. Paul residents, including him.

"Not all politicians are rich," said Juarez, a married father of three children who works as a security guard for a Target store in St. Paul. "I'm a common guy. It comes down to priorities. Taking care of family is first. Taking care of property is second."

Juarez said he's gotten estimates of up to \$15,000 to hire a contractor to build a new retaining wall. He doesn't have the money, so he will patch the wall himself.

If he has his way, Juarez said, West St. Paul will do away with the PACE inspection program and replace it with "a little softer program," such as one that uses volunteers to help low- to moderate-income people make essential repairs.

Juarez, appointed to the council in 2004 to fill a vacancy, doesn't think the condition of his retaining wall will hurt his election chances this fall.

"If that's the best they can do go attack my retaining wall, let them attack," he said.

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