



## Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

**Date:** March 25, 2010

**To:** Council Member Gary Schiff, Chair, Zoning and Planning Committee  
Members of the Committee

**Referral to:** Zoning and Planning Committee

**Subject:** Historic Designation of the Pauline Fjelde Residence at 3009 Park Avenue

**Recommendation:** The Heritage Preservation Commission adopted a resolution recommending that the Minneapolis City Council deny the designation of the Pauline Fjelde Residence at 3009 Park Avenue as a Landmark.

**Prepared or Submitted by:** John Smoley, Ph.D., City Planner, 612-673-2494

**Approved by:** Jack Byers, Planning Supervisor, 612-673-2634

**Presenters in Committee:** John Smoley, Ph.D., City Planner

### Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).  
 Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_\_ Operating Budget.  
 Action provides increased revenue for appropriation increase.  
 Action requires use of contingency or reserves.  
 Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.  
 Other financial impact (Explain):  
 Request provided to department's finance contact when provided to the Committee Coordinator.

### Community Impact (use any categories that apply)

**Ward:** 8

**Neighborhood Notification:** The Central Area Neighborhood Development Organization and property owners within 350 feet of 3009 Park Avenue were notified of the March 2 Heritage Preservation Commission public hearing and the March 25 Zoning and Planning Committee meeting on February 12, 2010.

**City Goals:** See staff report.

**Comprehensive Plan:** See staff report.

**Zoning Code:** See staff report.

**Living Wage/Job Linkage:** Not applicable.

**End of 60/120-day Decision Period:** Not applicable

**Other:** Not applicable.

**Background/Supporting Information Attached:** On October 8, 2008, One Call Contracting submitted a Wrecking Permit application for 3009 Park Avenue. On November 6, 2008 CPED informed the Applicant that 3009 Park Avenue was a historic resource, based upon the home's association with Pauline Fjelde, a prominent artist, Norwegian immigrant, and single woman who was born in 1861 and died in 1923. On November 21, 2008, the owner, James Schoffman, submitted an application for the demolition of a historic resource. He intended to replace the building and garage with a parking lot.

On January 13, 2009, the Heritage Preservation Commission denied an application to demolish a historic resource at 3009 Park Avenue and directed the Planning Director to complete a designation study and institute interim protection. Upon appeal, the City Council upheld the Heritage Preservation Commission's decision at their March 6, 2009 meeting.

On September 29, 2009 the house sustained damage in a fire in what has been declared an arson by the Minneapolis Police Department (Attachment B). Following the fire, CPED reassessed the property's integrity and revised the draft designation study to note the damage to the building.

On December 4, 2009, the City of Minneapolis' Problem Properties Unit issued orders to the property owner to remove fire debris from the roof and grounds as well as to temporarily repair the roof with structural members, decking, and a covering material so as to prevent further building damage (Attachment D).

On a December 7, 2009, the property owner received an engineering report (Attachment C) he commissioned detailing the structural stability of the house at that time.

On December 15, 2009, the State Historic Preservation Officer was sent a draft of the proposed designation pursuant to the requirements of state law and section 599.250 of the city's Heritage Preservation Regulations, which permits sixty days for this review.

On December 23, 2009, the property owner had wood delivered to the roof of the house via boom truck. The weight of the materials caused part of the roof to collapse. The property owner did not apply for a Building Permit or a Certificate of No Change.

On December 24, 2009, the property owner submitted the December 7, 2009 engineer's report to the City's Regulatory Services Department. Later that same day, the City's Regulatory Services Department declared the building a hazard under section 1300.0180 of the MN State Building Code and section 87. 100 of the Minneapolis Code of Ordinances and demolished the building for health and safety reasons. Regulatory Services officials based their determination and actions upon three factors: the damage sustained by the building (Attachment B), the weight of snow from the impending snowstorm (Attachment E), and the December 7, 2009 engineering report (Attachment C).

On December 29, 2009, the Heritage Preservation Commission extended interim protection on the property at 3009 Park Avenue for two months, until February 28, 2010, to provide time to analyze the impacts of the demolition on the pending designation study and to work with Regulatory Services, the community, and the property owner to explore options for mitigation of the loss of the historic resource and/or salvage of the remaining material on site. Regulatory Services staff agreed to postpone the debris removal onsite for several weeks to provide time for this exploration.

On January 11, 2010, Ward 8 Councilmember Elizabeth Glidden, Preservation and Design staff, and Regulatory Services staff met with members of the public to answer questions regarding the decision to demolish 3009 Park Avenue and to seek input on salvage and mitigation.

Approximately 11 members of the public in attendance recommended consideration of the following options:

1. Install a garden to prevent construction of a parking lot onsite;
2. Install a monument onsite;

3. Install a flagpole onsite;
4. Be mindful of monument details to ensure it does not look like a tombstone;
5. Ensure any mitigation does not convey the impression that mitigation is a suitable substitute for the preservation of a building;
6. Salvage corbels or other architectural details, the trunk, original decorative wood elements, and entryway tiles;
7. Commission a record of Pauline Fjelde's life and the residence at 3009 Park Avenue; and
8. Explore ways to prevent this from happening in the future, by perhaps creating a special exception for condemning properties under interim protection.

City staff was not able to reach an agreement with the property owner and his legal counsel regarding salvage and mitigation at 3009 Park Avenue. The City Attorney's office informed CPED that the Heritage Preservation Regulations impose no requirement to salvage or mitigate for the loss of historic resources demolished by the City's Regulatory Services Department for health and safety reasons.C

On February 5, 2010, the Eighth Ward City Council Office issued a courtesy notice for debris removal at 3009 Park Avenue to ward residents and interested members of the public (Attachment F).

On February 8, 2010, Regulatory Services staff initiated debris removal at 3009 Park Avenue using a pre-arranged plan designed to permit CPED to simultaneously conduct salvage operations (Attachment G). After ninety minutes of searching, CPED ended salvage operations, having found no items of historical value (see Attachment H for photographs of the operation). CPED limited its salvage operations to items of historical value, not items able to be recycled. Previously, the ReUse Center has indicated that it would not be able to salvage any materials onsite at 3009 Park Avenue but the Hennepin History Museum expressed interest in salvaged items of historical value (Attachment I).

On February 10, 2010, the State Historic Preservation Officer found 3009 Park Avenue to be ineligible for local designation (Attachment J).

On February 11, 2010, CPED brought the completed designation study to the Committee of the Whole of the Planning Commission. The Committee adopted a motion stating that the proposed designation would have been in accordance with the comprehensive plan had the residence not been demolished.

On February 16, 2010, the Heritage Preservation Commission adopted a resolution to immediately end interim protection on the property at 3009 Park Avenue.

On March 2, 2010, the Heritage Preservation Commission adopted a resolution recommending that the Minneapolis City Council deny the designation of the Pauline Fjelde Residence at 3009 Park Avenue as a Landmark, in accordance with CPED's recommendation.

#### Supporting Material

1. HPC Resolution on Designation March 2, 2010
  2. Comments submitted after publication of March 2 Heritage preservation Commission staff report
  3. ~~March 2, 2010 Heritage Preservation Commission Staff Report~~
-

[CPED Home](#) > [Heritage Preservation Commission Minutes](#) > 2010 Minutes

## Minneapolis Heritage Preservation Commission



### Actions

#### Regular Meeting

4:30 p.m., Tuesday, March 2, 2010

Room 317, City Hall

350 South Fifth Street

Minneapolis, MN 55415-1385

**Board Membership:** Mr. Chad Larsen, Ms. Denita Lemmon, Mr. Kevin Kelley, Ms. Kathleen Anderson, Mr. John Crippen, Ms. Meghan Elliott, Ms. Christina Harrison, Ms. Ginny Lackovic, Ms. Linda Mack, and Ms. Deborah Morse-Kahn.

**Committee Clerk:** Diana Armstrong, 612.673.2615

Commissioner Anderson was absent and excused from tonight's meeting.

The meeting was called to order at 4:34 p.m.

Minutes were approved for the meeting held on February 16, 2010

#### Public Hearings

#### For Presentation

##### 1. Warehouse District Design Guidelines – Wards 5 and 7

Staff: Brian Schaffer, 612.673.2670

**ACTION:** Adopt the staff recommendation and approve the Minneapolis Warehouse Historic District Design Guidelines with the following revisions:

- Alter guideline 1.4 to read: "Bridgeheads, bulkheads, and retaining walls from the period of significance shall be ~~not~~ retained and not demolished."
- Alter guideline 2.19 to read: "When patching an area of historic brick wall, the ~~original~~ new brick and mortar shall match the original brick and mortar in material, color, profile, dimension, and texture."
- Move guideline 3.15 "Opportunities for shared parking and vehicular access shall be explored to the greatest extent possible" from *Requirements* to *Other Considerations*.
- Add new guideline after 3.36 under *Other Considerations*: "Building facades that do not display a defined base, top and middle portions will be considered if the proposed composition of rhythm is demonstrated to be compatible with the design of surrounding historic buildings within the district." The proposed rhythm shall be superior in design to the required composition of base, top, and middle."
- Alter guideline 3.70 to read: "Vinyl, wood, and hardy board lap siding, stucco, EIFS, ~~exposed metals and materials with shiny finishes~~ shall not be allowed for facade materials."
- Add new guideline after 3.77 under *Other Considerations*: "Exposed metals will be considered as a principal material."

e. Walls, tile work, stonework, ironwork, and inlaid stone 'pebble art' design of courtyard

**5. 3009 Park Avenue, Pauline Fjelde House – Historic Resource, Ward 8**

Staff: John Smoley, 612.673.2830

**ACTION:** Adopt the above findings, **deny** the landmark designation of the Pauline Fjelde Residence, and forward the study and recommendation to the Zoning and Planning Committee of the City Council with a recommendation to **deny** the designation of the property at 3009 Park Avenue.

**Information Items**

**New Business**

**Adjournment**

Meeting was adjourned at 8:48 p.m.

**The Next Heritage Preservation Commission Meeting will be held Tuesday, March 23, 2010, at Prospect Park United Methodist Church, 22 Orlin Ave SE, and is scheduled as a Walking Tour with Business Meeting to follow.**

**Heritage Preservation Commission decisions are final unless appealed.**

**Attention:** The meeting site is wheelchair accessible; if you need other disability related accommodations, such as a sign language interpreter or materials in alternative format, please contact 612.673.3220 (673.2157) TTDY/VOICE at least five days prior to the meeting.

**Attention:** If you want help translating this information, call: **Hmong** – Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koy dawb, hu 612.673.2800; **Spanish** – Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612.673.2700; **Somali** – Ogow. Haddii aad dooneyso in lagaa kaalmeyo tarjamadda macluumaadkani oo lacag la' aan wac 612.673.3500.

© 1997-2010 Official Web Site of the City of Minneapolis, Minnesota

[Disclaimers and Notices](#) | [Privacy Statement](#)

**Smoley, John**


---

**From:** Byers, Jack P.  
**Sent:** Tuesday, February 23, 2010 1:44 PM  
**To:** Smoley, John; Armstrong, Diana L  
**Cc:** wizardmarks@q.com  
**Subject:** FW: FEEDBACK FORM RE: 3009 Park Av. So.  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

John and Diana, The e-mail below was forwarded to me through other city colleagues. While author had the incorrect spelling for Diana's name, I'm assuming she may have sent this e-mail with the intention that it would be included as public comment for next Tuesday night's HPC hearing. Please include it in the commissioner packets for the item at 3009 Park. Thank you, Jack

---

**From:** WIZARD MARKS [mailto:wizardmarks@q.com]  
**Sent:** Sunday, February 21, 2010 5:00 PM  
**To:** Glidden, Elizabeth A.; diane.armstrong@ci.minneapolis.mn.us  
**Subject:** 3009 Park Av. So.

Dear Ms. Glidden and Ms. Armstrong:

On Tuesday, March 2, 2010 the Historic Preservation Commission will meet to discuss the fate of 3009 Park Av. So. which once housed the Fjelde house, so designated because Fjelde was an artist of some note in Minneapolis history.

As you know, the house was arsoned, the owner having removed the board up the city installed more than once and left the doors and windows open to vandals who took full advantage of the situation. Further, construction workers hired to repair the roof before 1/1/2010 conveniently dropped a load of plywood onto the southeast corner of the house, destroying the integrity of the building structure requiring the house to be torn down. The owner noted that he bought the house to remove it and use the land for a parking lot.

I find it less than credible that a businessman would be so negligent as to not research the lot's zone designation. Had he done so, he would have discovered that the lot is not zoned commercial and cannot be used for parking. Presumably, he will petition for spot zoning to remedy the situation.

Lake Street has often suffered from spot zoning, which throws any city planning out the window, creating a hodge-podge of commercial/non-commercial strips along the face of any commercial street. It has also meant that for a few dollars to various politicians' campaign chests, inappropriate businesses have been inserted into the pattern, which businesses will cost money to be removed. I cite Jerry's Towing as one such unfortunate outcome, both for residents, traffic engineers, and police time. I hasten to say that I know that you, Ms. Glidden, would never do such an underhanded thing.

Today, I noted that someone had leveled 3009 Park to grade, except for the cement block retaining wall across the front of the lot. Since the owner of the lot has already created a paper trail of scofflawing (if that's a word), I speculate that by Spring he will be allowing cars to park on the lot.

I ask two things, not knowing whether it's appropriate to insert the request into the HPC deliberations: first, that it be emphasized that 3009 Park will not be zoned for parking under any circumstances. Second, that city services be alerted to the possibility that cars will be parking on the lot and that the full force of the law be applied to anyone who parks on the lot.

Thank you for your attention to this matter.

---

Wizard Marks  
 3001 Oakland Av., 55407

Kerry Rauschendorfer  
2926 Columbus Ave  
Minneapolis, MN 55407

March 2, 2010

City of Minneapolis  
Community Planning and Economic Development  
Attn: John K. Smoley, Ph.D.  
250 South 4<sup>th</sup> Street – 300 Public Service Center  
Minneapolis, MN 55415

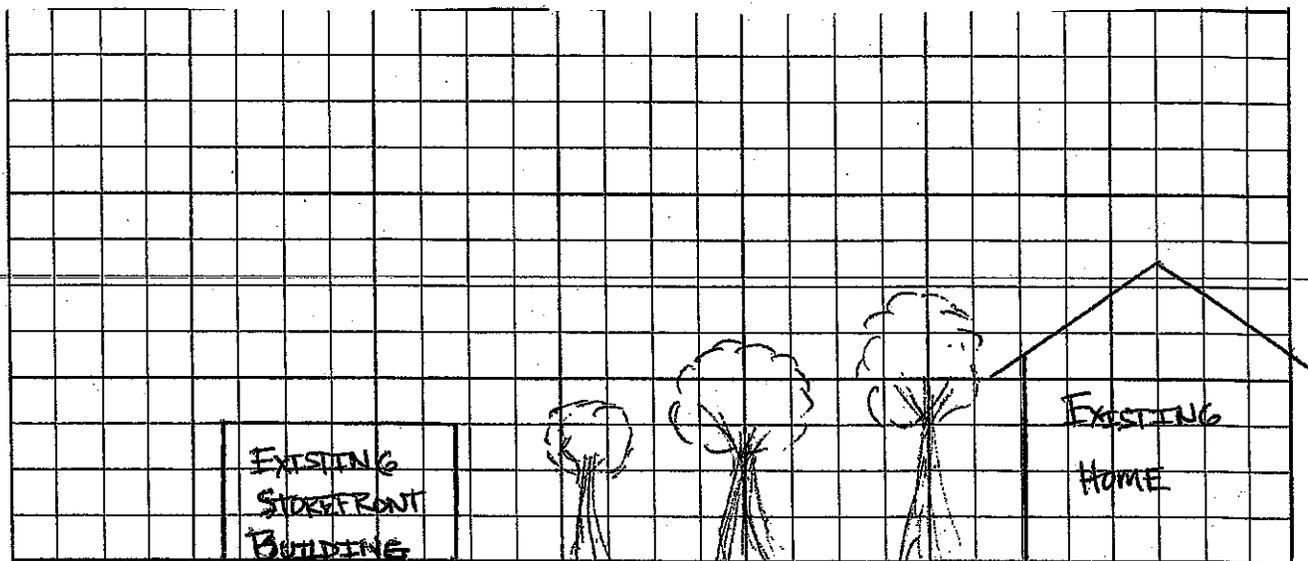
RE: 3009 Park Ave  
Pauline Fjelde Residence

Dear Mr. Smoley

Two things that I would like the Planning and/or Historical Preservation committee to consider if a new home or park would be constructed on this lot is scale and aesthetics. I would like to ask that if a new home were to be built on this site that it matches the scale, setbacks and appearance of the existing structures on this block. If a park is constructed, I would like to ask that the trees planted next to the existing home to the south, would step down as they head north towards the existing storefront building on Lake Street. Please see the sketch below that illustrates this point.

Sincerely,

Kerry Rauschendorfer  
Resident & Homeowner of 2926 Columbus Avenue



EAST ELEVATION OF PARK AVE.

**CITY OF MINNEAPOLIS  
CPED PLANNING DIVISION  
HERITAGE PRESERVATION COMMISSION STAFF REPORT  
BZH-25815**

---

FILE NAME: 3009 Park Avenue, Pauline Fjelde Residence  
DATE OF APPLICATION: n/a  
APPLICANT: Jakris Ltd. (James Schoffman), 651-686-7603  
PUBLICATION OF STAFF REPORT: February 23, 2010  
DATE OF HEARING: March 2, 2010  
APPEAL PERIOD EXPIRATION: March 12, 2010  
CATEGORY: Historic Resource  
CLASSIFICATION: Designation  
STAFF INVESTIGATION AND REPORT: John Smoley, Ph.D., 673-2830  
DATE: February 23, 2010

---

#### **A. BACKGROUND**

The Pauline Fjelde Residence, located at 3009 Park Avenue, was constructed as a duplex in 1907 for Ms. Fjelde by Olof Eneroth. The house is a 2 ½-story gable-front residence designed in a vernacular style with stucco clad walls and a composition shingle roof. It was designed by Boehme & Cordella who were also the architects of the Swan Turnblad House (American Swedish Institute) and Gluek's Restaurant. Both of these properties are locally and nationally designated.

On October 8, 2008, One Call Contracting submitted a Wrecking Permit application for 3009 Park Avenue. On November 6, 2008 CPED informed the Applicant that 3009 Park Avenue was a historic resource, based upon the home's association with Pauline Fjelde, a prominent artist, Norwegian immigrant, and single woman who was born in 1861 and died in 1923. On November 21, 2008, the owner, James Schoffman, submitted an application for the demolition of a historic resource. He intended to replace the building and garage with a parking lot.

On January 13, 2009, the Heritage Preservation Commission denied an application to demolish a historic resource at 3009 Park Avenue and directed the Planning Director to complete a designation study and institute interim protection. Upon appeal, the City Council upheld the Heritage Preservation Commission's decision at their March 6, 2009 meeting.

On September 29, 2009 the house sustained damage in a fire in what has been declared an arson by the Minneapolis Police Department (Attachment B). Following the fire, CPED reassessed the property's integrity and revised the draft designation study to note the damage to the building.

On December 4, 2009, the City of Minneapolis' Problem Properties Unit issued orders to the property owner to remove fire debris from the roof and grounds as well as to temporarily repair

the roof with structural members, decking, and a covering material so as to prevent further building damage (Attachment D).

On a December 7, 2009, the property owner received an engineering report (Attachment C) he commissioned detailing the structural stability of the house at that time.

On December 15, 2009, the State Historic Preservation Officer was sent a draft of the proposed designation pursuant to the requirements of state law and section 599.250 of the city's Heritage Preservation Regulations, which permits sixty days for this review.

On December 23, 2009, the property owner had wood delivered to the roof of the house via boom truck. The weight of the materials caused part of the roof to collapse. The property owner did not apply for a Building Permit or a Certificate of No Change.

On December 24, 2009, the property owner submitted the December 7, 2009 engineer's report to the City's Regulatory Services Department. Later that same day, the City's Regulatory Services Department declared the building a hazard under section 1300.0180 of the MN State Building Code and section 87. 100 of the Minneapolis Code of Ordinances and demolished the building for health and safety reasons. Regulatory Services officials based their determination and actions upon three factors: the damage sustained by the building (Attachment B), the weight of snow from the impending snowstorm (Attachment E), and the December 7, 2009 engineering report (Attachment C).

On December 29, 2009, the Heritage Preservation Commission extended interim protection on the property at 3009 Park Avenue for two months, until February 28, 2010, to provide time to analyze the impacts of the demolition on the pending designation study and to work with Regulatory Services, the community, and the property owner to explore options for mitigation of the loss of the historic resource and/or salvage of the remaining material on site. Regulatory Services staff agreed to postpone the debris removal onsite for several weeks to provide time for this exploration.

On January 11, 2010, Ward 8 Councilmember Elizabeth Glidden, Preservation and Design staff, and Regulatory Services staff met with members of the public to answer questions regarding the decision to demolish 3009 Park Avenue and to seek input on salvage and mitigation. Approximately 11 members of the public in attendance recommended consideration of the following options:

1. Install a garden to prevent construction of a parking lot onsite;
2. Install a monument onsite;
3. Install a flagpole onsite;
4. Be mindful of monument details to ensure it does not look like a tombstone;
5. Ensure any mitigation does not convey the impression that mitigation is a suitable substitute for the preservation of a building;
6. Salvage corbels or other architectural details, the trunk, original decorative wood elements, and entryway tiles;
7. Commission a record of Pauline Fjelde's life and the residence at 3009 Park Avenue; and
8. Explore ways to prevent this from happening in the future, by perhaps creating a special exception for condemning properties under interim protection.

City staff was not able to reach an agreement with the property owner and his legal counsel regarding salvage and mitigation at 3009 Park Avenue. The City Attorney's office informed CPED that the Heritage Preservation Regulations impose no requirement to salvage or mitigate for the loss of historic resources demolished by the City's Regulatory Services Department for health and safety reasons.

On February 5, 2010, the Eighth Ward City Council Office issued a courtesy notice for debris removal at 3009 Park Avenue to ward residents and interested members of the public (Attachment F).

On February 8, 2010, Regulatory Services staff initiated debris removal at 3009 Park Avenue using a pre-arranged plan designed to permit CPED to simultaneously conduct salvage operations (Attachment G). After ninety minutes of searching, CPED ended salvage operations, having found no items of historical value (see Attachment H for photographs of the operation). CPED limited its salvage operations to items of historical value, not items able to be recycled. Previously, the ReUse Center has indicated that it would not be able to salvage any materials onsite at 3009 Park Avenue but the Hennepin History Museum expressed interest in salvaged items of historical value (Attachment I).

On February 10, 2010, the State Historic Preservation Officer found 3009 Park Avenue to be ineligible for local designation (Attachment J).

On February 11, 2010, CPED brought the completed designation study to the Committee of the Whole of the Planning Commission. The Committee adopted a motion stating that the proposed designation would have been in accordance with the comprehensive plan had the residence not been demolished.

On February 16, 2010, the Heritage Preservation Commission adopted a resolution to immediately end interim protection on the property at 3009 Park Avenue.

CPED anticipates bringing the designation study to the Zoning and Planning Committee of the City Council on March 25, 2010.

Section 599.240 of the Minneapolis Code of Ordinance provides interim protection to properties during the time of a designation study. The interim protection period lasts twelve months from the decision to commence a designation study. This section stipulates that interim protection can be extended an additional six months to protect the designation process but that the Heritage Preservation Commission must hold a public hearing to consider the proposed extension of interim protection. CPED sees no reason to continue interim protection at 3009 Park Avenue.

---

## **B. AUTHORITY FOR REVIEW**

Chapter 599 of the Minneapolis Code of Ordinances, Heritage Preservation Regulations, authorizes the HPC to hold a public hearing to consider proposed designations and to make findings and recommendations to the Zoning and Planning Committee of the City Council with respect to proposed designations as follows:

599.270. Designation hearing. Following completion of the designation study the commission shall hold a public hearing to consider the proposed designation, as provided in section 599.170. Any person having a legal or equitable interest in a nominated property shall be allowed reasonable opportunity to give testimony or present evidence concerning the proposed designation.

599.280. Commission recommendation. Following the public hearing, the commission shall make findings with respect to the proposed designation and shall submit the same together with its recommendation to the Zoning and Planning committee of the City Council. In making its findings and recommendation, the commission shall consider the designation criteria contained in section 599.210, the information contained in the designation study, the State Historic Preservation Officer's comments, the City Planning Commission's comments, the Planning Director's report and all testimony and evidence received at the public hearing relating to the designation.

### **C. DESIGNATION CRITERIA**

Section 599.210 of the Heritage Preservation Regulations establishes criteria to be considered in determining whether a property is worthy of designation as a landmark or historic district because of its historical, cultural, architectural, archaeological or engineering significance. To be eligible for designation, a property must meet at least one of the following designation criteria:

- (1) The property is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history.
- (2) The property is associated with the lives of significant persons or groups.
- (3) The property contains or is associated with distinctive elements of city identity.
- (4) The property embodies the distinctive characteristics of an architectural or engineering type or style, or method of construction.
- (5) The property exemplifies a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail.
- (6) The property exemplifies works of master builders, engineers, designers, artists, craftsmen or architects.
- (7) The property has yielded, or may be likely to yield, information important in prehistory or history.

### **D. FINDINGS**

#### **1. Consistency with designation criteria:**

The designation study for the Pauline Fjelde Residence shows that the property meets designation criteria 2 as follows:

- (2) The property is associated with the lives of significant persons or groups.  
Pauline Gerhardine Fjelde was born in Aalesund, Norway, in 1861 and immigrated to the United States in 1887. Along with her brother Jacob and sister Thomane, she found great success as an artist in Minneapolis. In 1893, Ms. Fjelde was commissioned with her sister, Thomane, to embroider the first state flag (used from 1893 to 1957). Fjelde's handiwork won her numerous awards and enabled her to support herself through a commercial embroidering enterprise in downtown Minneapolis. Most notably, her work on the state flag won Fjelde and her sister a gold medal at the World's

Columbian Exposition of 1893 in Chicago, held to mark the 400<sup>th</sup> anniversary of Columbus' voyage to America. After living in various rented spaces, this single woman paid \$7500 to construct a duplex at 3009 Park Avenue in 1907. While residing here she began her magnum opus: the lauded Hiawatha tapestry. Woven in the Gobelin method, the 9' x 8.5' tapestry took over a decade to complete. The home symbolizes the upward mobility of not only a single woman but also a Norwegian immigrant during a period of time when both demographic groups experienced difficulty establishing themselves.

Despite meeting this criterion, the residence at 3009 Park Avenue has been demolished. While the significance of the residence remains, the residence itself no longer retains the ability to communicate that significance. It no longer retains integrity and is thus not suitable for historic designation.

### **RECOMMENDATION OF THE CPED PLANNING DIVISION**

CPED Staff recommends that the Heritage Preservation Commission **adopt** the above findings, **deny** the landmark designation of the Pauline Fjelde Residence, and forward the study and recommendation to the Zoning and Planning Committee of the City Council with a recommendation to **deny** the designation of the property at 3009 Park Avenue.

### **ATTACHMENTS**

- A. Pauline Fjelde Residence Designation Study, CPED-Planning, February 2010
- B. Minneapolis Police Department Arson Investigation Update
- C. December 7, 2009 Engineering Report Commissioned by the Property Owner
- D. Orders Issued by Regulatory Services on December 4, 2009 for Work at 3009 Park Avenue
- E. National Weather Service Storm Forecast, December 23, 2009
- F. 3009 Park Avenue Debris Removal and Salvage Courtesy Notice
- G. Regulatory Services Operational Plan for Debris Removal And Salvage at 3009 Park Avenue
- H. CPED Photographs of 3009 Park Avenue Salvage and Debris Removal Taken February 9, 2010
- I. E-Mail Correspondence from the ReUse Center and the Hennepin History Museum Regarding Salvage of Items at 3009 Park Avenue
- J. State Historic Preservation Officer Review Letter
- K. Correspondence from Applicant's Legal Counsel

**Attachment A**  
**Pauline Fjelde Residence Designation Study,**  
**CPED-Planning, February 2010**

---

# City of Minneapolis Heritage Preservation Commission Registration Form

---

## 1. Name of Property

---

Historic Name: Pauline Fjelde Residence

Other Name/Site Number: n/a

---

## 2. Location of Property

---

Street and Number: 3009 Park Avenue

located on original site    not for publication

moved/date:

---

## 3. Ownership

---

Owner's Name: James Schoffman

Street and Number: 557 Hawthorne Woods Dr #104

City: Eagan  
651-686-7603

State: MN    Zip: 55123

---

## 4. Classification

---

Ownership of property:     private  
    public  
    both

Category of property:     building  
    site  
    district  
    structure  
    object

Number of resources within property:

Contributing	Non-contributing
<input checked="" type="checkbox"/> buildings	<input checked="" type="checkbox"/> buildings
<input type="checkbox"/> sites	<input type="checkbox"/> sites
<input type="checkbox"/> structures	<input type="checkbox"/> structures
<input type="checkbox"/> objects	<input type="checkbox"/> objects
<input checked="" type="checkbox"/> Total	<input checked="" type="checkbox"/> Total

Listed in the National Register of Historic Places

Date:

**City of Minneapolis Heritage Preservation Commission Registration Form:  
Page 2**

---

**5. Function or Use**

---

Historic: Residential

Current: Residential



**Figure 1. 3009 Park Avenue, eastern and southern elevations, summer 2008,  
photo submitted by applicant**

---

## 6. Description

---

Architectural classification (style): vernacular

Materials:

foundation: rough-finished ashlar  
roof: gable front with a full pediment, asphalt shingles, wide eaves  
walls: stucco  
porch: concrete foundation with wooden balustrade and metal handrail

Describe present and historic physical appearance. Use continuation sheets.

PRESENT APPEARANCE (prior to demolition)

This building is a 2 ½-story residence designed in a vernacular style common to this block and the city in general. The building is laid out in a simple, massed plan two units wide by three units deep. Composition shingles cap a medium-pitch, gable front roof possessing a full pediment and wide eave overhangs. Two gable dormers with cornice returns sprout from the roof midway between the front and rear.



**Figure 2. Park Avenue, 3000 block, looking north, staff photo  
Note how common the subject property's building form is on this block alone**



3017 Park Ave



3021 Park Ave



3012 Park Ave



1065 17th Ave SE

**Figure 3. Properties with forms and features similar to 3009 Park Avenue, 2008, staff photos**



2317 Fremont Ave N, 2009



2115 Portland Ave, circa 1910

**Figure 4. Additional properties with forms and features similar to 3009 Park Avenue, 2008, courtesy of staff (left) and Minnesota Historical Society (right)**

The eaves and soffit are covered in aluminum coil. The roofline flares out to cover a two-story bay window that projects from beneath the southern dormer. Three Dish Network television antennae affixed to the southern wall surround this bay.

The exterior walls are clad in stucco and are frequently punctuated by wood molding around windows and doors on all stories. All molding is simple with one ornate exception around three windows in the western pediment.

Entrances exist on all four sides of the building. Single doors on the northern and eastern sides enter at the ground level. Doors on the southern and western sides enter through open porches.

Three porches exist: two on the western facade and one on the southern elevation. One door on the second floor of the western side empties out onto a very small dust porch above the first floor entrance. The first floor front (western elevation) porch extends the full width of the residence and consists of a simple, unpainted wooden balustrade atop a high masonry porch foundation. Stairs leading down from the porch are flanked by a metal handrail. The first floor porch on the southern side consists of an unpainted wooden balustrade atop a high but small masonry entry landing.

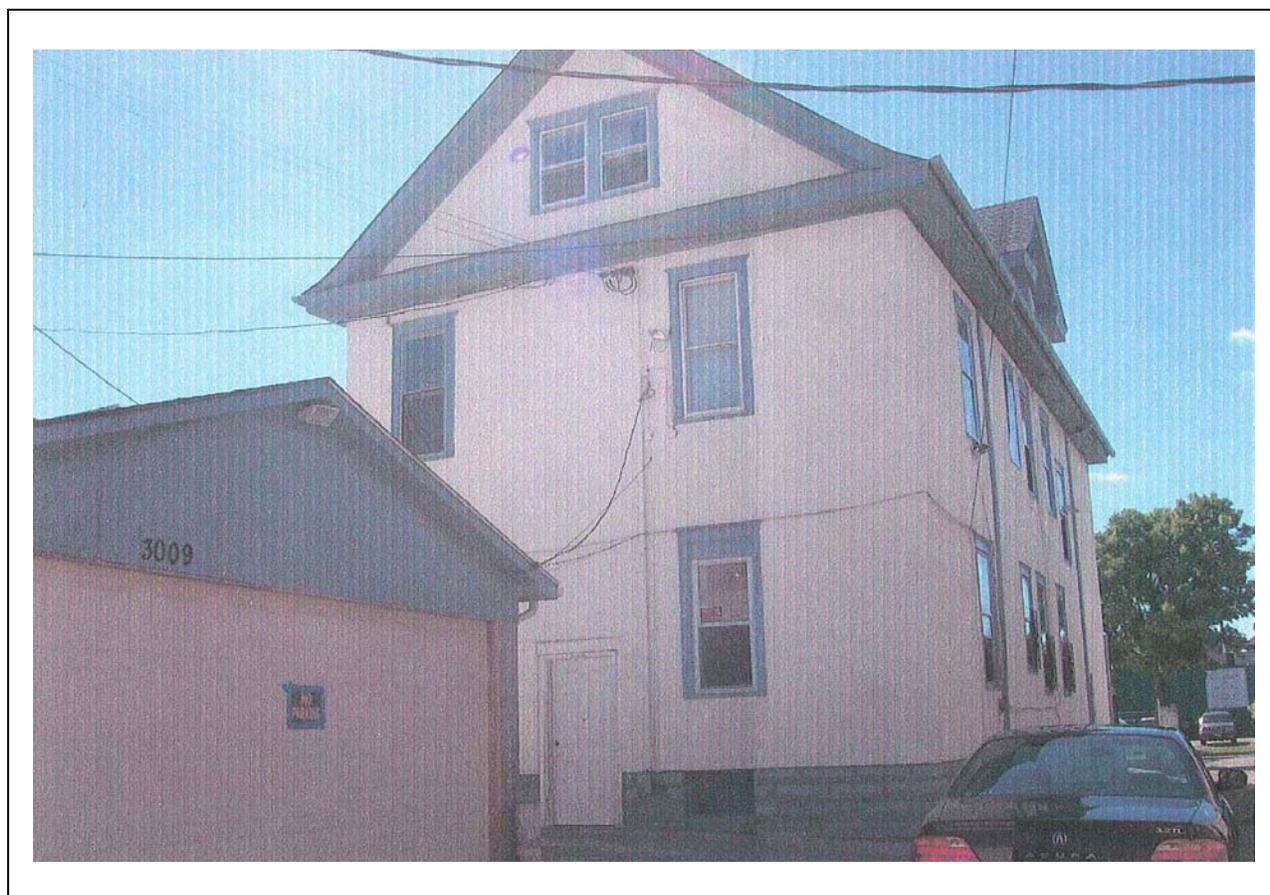


**Figure 5. 3009 Park Avenue, western pediment windows, October 2008, staff photo**



**Figure 6. 3009 Park Avenue, south elevation, October 2008, staff photo**

Fenestration consists primarily of double or single hung wood frame windows covered by aluminum storm windows and screens. One notable exception consists of the half story windows on the primary (western) side that have been replaced entirely with aluminum or vinyl frame replacement windows. Metal bars cover the bottoms of some first floor windows. Window wells periodically puncture a foundation of rough-finished ashlar.



**Figure 7. 3009 Park Avenue, western and northern elevations with garage, summer 2008, photo submitted by applicant**

## SITE DESCRIPTION

A concrete walkway extends from the front porch, down steps, and through a concrete masonry unit retaining wall capped by a cyclone fence to the sidewalk. A second concrete walk splits from the first, across the front yard, and turns to lead through the side yard to the side entry porch.

A detached garage constructed in 2004 at the rear of the lot is the only other building onsite. Landscaping consists solely of grass in the yard.

## SETTING

The block is characterized by large, closely spaced, 2.5 story residences that encompass large portions of their lots. These lots generally possess detached, rear-yard garages accessed from rear alleys. These multi-family residences cater to individuals and families living immediately south of the Lake Street commercial and transit corridor.

## CHANGES TO THE HISTORIC APPEARANCE

The building has changed since 1920, when Fjelde sold this residence.<sup>1</sup> City of Minneapolis Building Permit records indicate the following work since the building was constructed in 1907:

- 1918 – porch alterations (see figures 8-11)
- 1919, 1940, 1943 - plumbing work
- 1933, 1940, 1946 – electrical work
- 1940 – alterations to fur shop and two-family dwelling
- 1940 – plaster
- 1940, 1943, 1954 – heating
- 1941 – construction of a freestanding garage
- 1946 – stucco applied (see figures 5-11)
- 1986 - replacement of freestanding garage
- 1974, 1981 – reroof
- 1995 – replace soffit, fascia, and gutters (see figures 5 and 6)
- 1999 – convert duplex to four-plex
- 2001 –electrical work, boiler work and gas reconnect
- 2002 – installation of three basement egress windows and window wells (see figures 1 and 7)
- 2004 - construct masonry block detached garage (see figure 7)
- 2007 – permanently seal open standpipes
- 2009 - demolition

Visual evidence indicates additional work, to include the following:

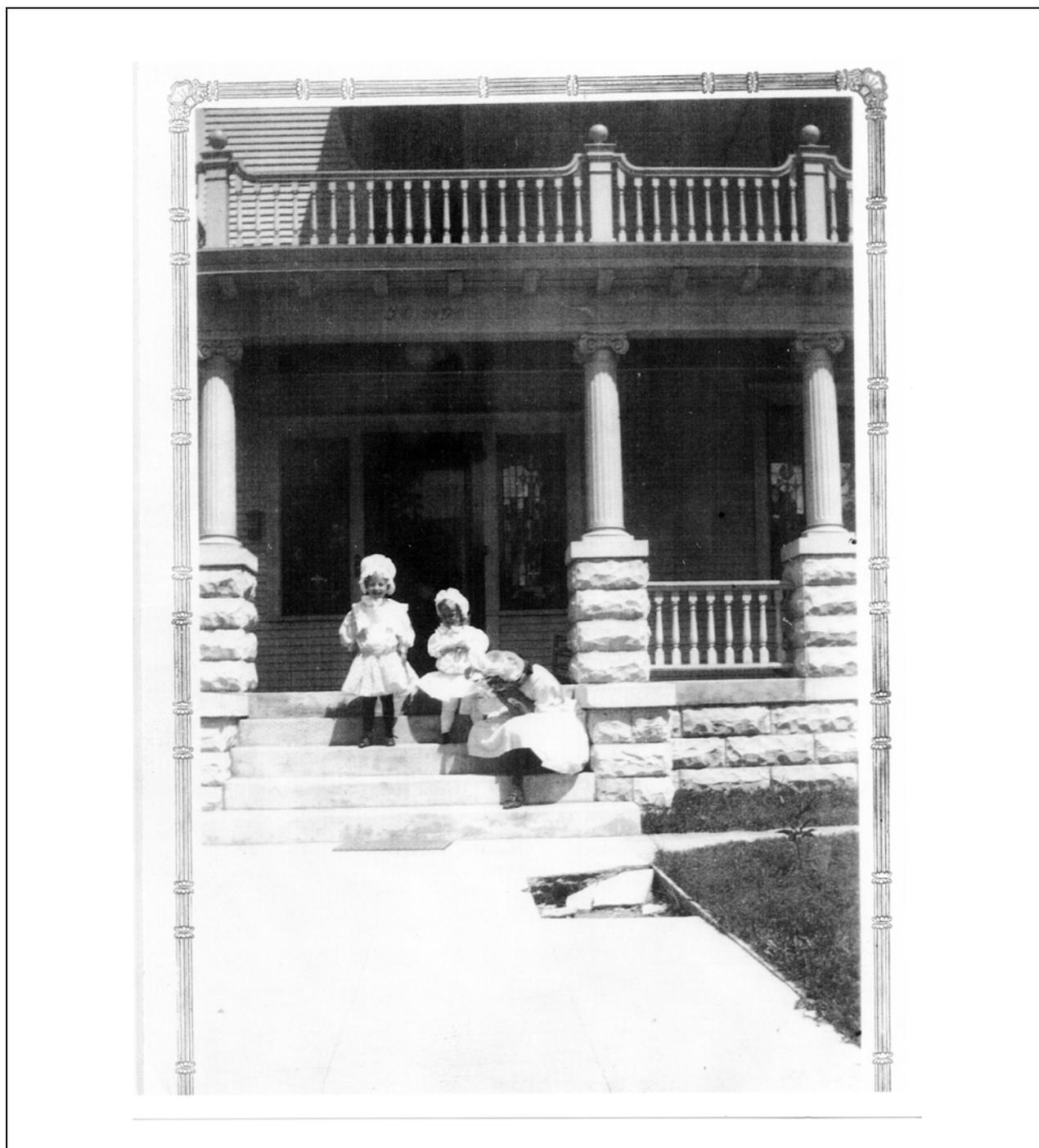
- replacement of front and side porches (see figures 1, 6, and 8-11)
- removal of spindle balustrade outside of half story window above bay window (see figures 1, 6, and 10-11)
- replacement of windows (see figures 1 and 5-10)
- installation of new doors (see figures 1, 6-7, and 9)
- installation of bars over windows (see figures 1 and 6-7)
- installation of Dish Network TV antennae (see figures 1 and 6)
- extensive interior changes to the materials and design of the duplex, to include partitioning for five dwelling units

---

<sup>1</sup> Abstract of Title to Lot 26, Block 2, Chicago Lake Park Addition to Minneapolis, Hennepin County Office of the Examiner of Titles, Minneapolis, MN.



**Figure 8. unknown woman in front of 3009 Park Avenue (background right), post-1926, photo courtesy of Rolf Wunder**



**Figure 9. Unknown children on 3009 Park Avenue front porch, pre-1918, photo courtesy of Rolf Wunder**

The house also sustained damage on September 29, 2009, in what has been declared an arson by the Minneapolis Police Department. According to investigators, the fire originated on the southeast corner of the first floor in a kitchen and entryway. The fire

burned holes in a first floor rear staircase. The fire also traveled up interior walls in the rear of the building through plumbing pipe spaces. On the second floor, the fire burned a back bedroom on the north side of the property and entered the attic and damaged the roof.

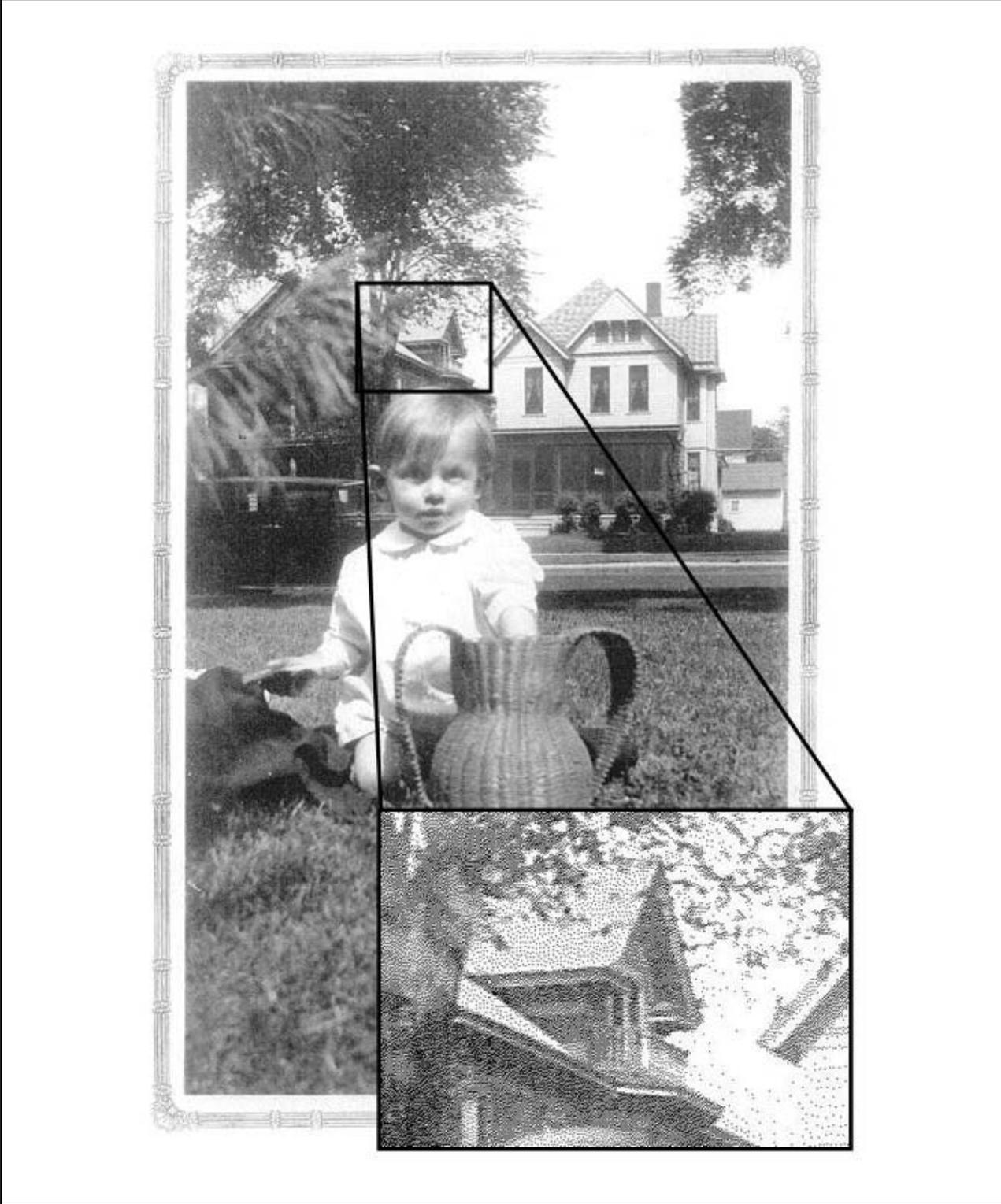


**Figure 10. 3009 Park Avenue after the fire, 30 September 2009, staff photo**

Despite these changes, the building retained the vast majority of its character defining features, until its December 24, 2009 demolition. In this vernacular housing type, those features consist of:

- its shape (a 2 ½-story simple, massed plan two units wide by three units deep).
- its roof form (a medium-pitch, gable front roof possessing a full pediment and wide eave overhangs. Two gable dormers placed midway along the roof bear cornice returns.)
- its projections (two-story bay window and porches)

With the exception of its porches, which have been replaced, the building retains all of its character defining features.



**Figure 11. 3009 Park Avenue, early twentieth century, courtesy of Rolf Wunder  
Note the bay window roof balustrade since removed from the building**

---

## **7. Statement of Significance**

---

Applicable local designation criteria:

2) The property is associated with the lives of significant persons or groups.

Related local context (s): Art, immigration, and gender history

Areas of significance: Art, social history

Period (s) of significance: 1907-1920

Significant dates: 1907

Significant person (s): Pauline Fjelde, 1861-1923

Cultural affiliation: Norwegian immigrant

Profession: Artist, embroiderer, weaver, dressmaker

Architect/Builder: Boehme and Cordella / Olof Eneroth



**Figure 12. Pauline Fjelde, circa 1900, courtesy of the Minnesota Historical Society**

## **Statement of Significance**

The Pauline Fjelde House, located at 3009 Park Avenue, was constructed as a duplex in 1907 for Fjelde by builder/contractor Olof Eneroth. It was designed by Boehme & Cordella who were also the architects of the Swan Turnblad House (American Swedish Institute), a Minneapolis Landmark, and Gluek's Restaurant, a contributing resource in the North Loop Warehouse Historic District.<sup>2</sup>

The subject property is eligible for designation as City of Minneapolis Landmark due to its association with the life of a person significant to the city and state's past: Pauline Fjelde (criterion 2).



**Figure 13. Pauline Fjelde (right rear) and family, circa 1890, courtesy of the Minnesota Historical Society**

---

<sup>2</sup> City of Minneapolis Building Permit #B72455, 3009 Park Avenue; Files of the Swan Turnblad House, Planning Division, Community Planning and Economic Development Department, Minneapolis, MN; Files of the North Loop Warehouse Historic District, Planning Division, Community Planning and Economic Development Department, Minneapolis, MN.

## UPBRINGING

Pauline Gerhardine Fjelde was born in Aalesund, Norway, in 1861. Her father Paul's woodworking business in Skutvikskaret provided a comfortable life for Pauline along with her mother, her sister, and six brothers. Pauline developed an early interest in art, enjoying drawing and painting in grammar school and different types of handwork taught to her by her mother.<sup>3</sup>

Despite this seemingly pastoral upbringing, Pauline's early life was marred with crises. A "crippling disease" ravaged the valley where she lived when she was roughly twelve years old, leaving her with what was described as a curvature of the spine. In 1871, Fjelde's oldest brother, Oswald, left for the United States, fragmenting the family. Her father soon followed, hoping to relocate his woodworking business. While Oswald prospered, the patriarch of the family succumbed to smallpox in 1873.

In about 1879 Pauline followed her brother, Jakob, to Copenhagen. While her skills earned her a position as a needlework instructor, a letter from Pauline indicates that at least part of her four years abroad was characterized by loneliness and financial difficulties. Pauline immigrated to the United States with Jakob in 1887. After several months in Chicago they moved to Minneapolis. There they were reunited with Oswald and their other brother, Henry.<sup>4</sup> Shortly after, their mother Claudine joined them.

Their reunion was short lived. On January 12, 1890 Henry died. Six days later Claudine died.<sup>5</sup> Six years later Jakob died at the age of 37, leaving behind a wife and four young children. Shortly after Pauline's health began to fail in 1918, her brother Herman died. Pauline welcomed two of his four children into her home.<sup>6</sup>

---

<sup>3</sup> Gail Marie Aaneson, *The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress*, Masters Thesis, University of Minnesota, 1971, 4-7.

<sup>4</sup> Gail Marie Aaneson, *The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress*, Masters Thesis, University of Minnesota, 1971, 4-7.

<sup>5</sup> Minneapolis City Directory, 1890; Find A Grave, "Henrik Fjelde," [<http://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GSln=fjelde&GSfn=henrik&GSbyrel=in&GSdy=1890&GSdyrel=in&GSob=n&GRid=21319081>] accessed 1 September 2009.

<sup>6</sup> Gail Marie Aaneson, *The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress*, Masters Thesis, University of Minnesota, 1971, 13-14, 20-21.



**Figure 14. Fjelde family members at the Claudine and Henrik Fjelde monument, Lakewood Cemetery, Minneapolis, courtesy of the Minnesota Historical Society**

## CAREER

Despite these difficulties, Pauline, her brother Jakob, and her sister Thomane, found great success as artists in Minneapolis. In 1889, Pauline earned recognition in a Minneapolis Tribune article highlighting exceptional needlework and fancy work at the state fair that year.<sup>7</sup> By 1892 Pauline and Thomane had opened a needlework shop in the Reeve Building on Nicollet Avenue, establishing a reputation for fine work.<sup>8</sup> In 1893, Fjelde was commissioned with her sister, Thomane, to embroider the first state flag (used from 1893 to 1957). Fjelde's handiwork won her numerous awards and enabled her to support herself through a commercial embroidering enterprise in downtown Minneapolis during one of the nation's worst depressions. Most notably, her work on the state flag won Fjelde and her sister a gold medal at the World's Columbian Exposition of 1893 in Chicago, held to mark the 400<sup>th</sup> anniversary of Columbus' voyage to America.<sup>9</sup>

---

<sup>7</sup> "By Fair Hands," *Minneapolis Tribune* 15 September 1889, 7

<sup>8</sup> Minneapolis City Directory, 1892-1893; Gail Marie Aaneson, *The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress*, Masters Thesis, University of Minnesota, 1971, 12.

<sup>9</sup> William M. Becker, "The Origin of the Minnesota State Flag," *Minnesota History* 53 (Spring 1992), 5-6, 8.

In 1898 Pauline and Thomane had earned enough of a reputation to be listed as the Fjelde Sisters in the Minneapolis City Directory. That year they moved their enterprise to the arcade of the Syndicate Building where Jakob had worked as a sculptor prior to his death.<sup>10</sup>



**Figure 15. First Minnesota state flag design, courtesy of the Minnesota Historical Society**

A mere four feet eight inches in height, Pauline's small stature was dwarfed by her curiosity and work ethic. Although her formal education ended at grammar school, she remained an avid reader and student of the arts. Throughout her life Pauline not only maintained contact with her Norwegian relatives but also traveled abroad to Norway, Germany, Denmark, France, and Luxembourg studying art and visiting, for as long as one and one-half years on one trip.<sup>11</sup> Pauline's skills earned her employment teaching embroidery and weaving to students in Minnesota, New York, and Denmark. Her informal and formal philanthropy and assistance extended to family members, newly arrived Norwegian immigrants, the Red Cross, and a tubercular sanitarium in her native land of Norway.<sup>12</sup> The wherewithal required to maintain these pursuits as a single

<sup>10</sup> Minneapolis City Directory, 1895-1896, 1898.

<sup>11</sup> Gail Marie Aaneson, *The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress*, Masters Thesis, University of Minnesota, 1971, 16-18, 22-23; "The City in Brief," *Minneapolis Tribune* 1 Nov 1894, 5.

<sup>12</sup> Gail Marie Aaneson, *The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress*, Masters Thesis, University of Minnesota, 1971, 7, 19-20; "Holtzman's Chicago Store," *Minneapolis Tribune*, 22 April 1894, 3, 21-23.

woman, immigrant, and artist stands as testament to her determination, commercial success and independence.

## FINAL YEARS

At age 57, Fjelde was diagnosed with a liver tumor. For the next five years the cancer spread, slowly diminishing her strength. Fjelde lived her final years as she had lived the rest of her life: creating art, persevering through illness, and supporting herself and her loved ones.<sup>13</sup> She died two days before Christmas in 1923.<sup>14</sup>

## 3009 PARK AVENUE

After living in various spaces, this single woman paid \$7500 to construct a duplex at 3009 Park Avenue in 1907.<sup>15</sup> While residing here she began her magnum opus: the lauded Hiawatha tapestry. Woven in the Gobelin method, the 9' x 8.5' tapestry took over a decade to complete and depicted a scene from Longfellow's *Song of Hiawatha*: another artist's ode to early life in Minnesota, and one that came to be strongly associated with the state during its early years.<sup>16</sup> For a decade Fjelde lived in this home, rented one dwelling unit, and ran her business out of the building. Members of the Twin Cities' most prominent families, including the Walkers, Hills, and Pillsburys, visited this building in need of Fjelde's services.<sup>17</sup> The building symbolizes the upward mobility of not only a single woman but also a Norwegian immigrant during a period of time when both demographic groups experienced difficulty establishing themselves.

The building's period of significance is 1907-1920, the time from when Fjelde had the building constructed until she sold the property to Francis A. Anderson in 1920.<sup>18</sup>

---

<sup>13</sup> Gail Marie Aaneson, *The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress*, Masters Thesis, University of Minnesota, 1971, 20-21.

<sup>14</sup> "Minnesota Death Certificates Index"  
[<http://people.mnhs.org/dci/results.cfm?CERTID=1923-MN-022531>] accessed December 15, 2008.

<sup>15</sup> City of Minneapolis Building Permit #B72455, 3009 Park Avenue.

<sup>16</sup> "Fjelde Sculptures and Tapestry Will Be on Exhibition," Fjelde Family Biography File, James K. Hosmer Special Collections, Minneapolis Central Library, Minneapolis, MN.

<sup>17</sup> Minneapolis City Directory, 1910; Gail Marie Aaneson, *The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress*, Masters Thesis, University of Minnesota, 1971, 16-17, 19, 104; "Index to the 1910 United States Federal Census," *Ancestry.com* (Online: The Generations Network, Inc., 2009), <<http://www.ancestry.com>> [Digital copy of original records in the National Archives, Washington, D.C.], subscription database, accessed 18 August 2009.

<sup>18</sup> Abstract of Title to Lot 26, Block 2, Chicago Lake Park Addition to Minneapolis, Hennepin County Office of the Examiner of Titles, Minneapolis, MN.

## OTHER ELIGIBILITY CRITERIA

While 3009 Park Avenue meets local significance criterion 2, the building is not eligible for designation as a City of Minneapolis Landmark per the following criteria:

*Criterion 1:* The property is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history.

While Pauline Fjelde did live in and run her business out of this residence, the building was not the site of historically significant events. The sum of Pauline Fjelde's accomplishments is certainly significant, due to its association with her, but is by no means the sole or most significant example of events in Minneapolis associated with the upward mobility of women, artists, or immigrants.

*Criterion 3:* The property contains or is associated with distinctive elements of city or neighborhood identity.

This multi-family residential building's placement immediately south of Lake Street reflects the development pattern associated with this commercial corridor that began in the early 1880s. The smaller lot size, greater density, and provision for rental housing is an element of this portion of Park Avenue that markedly contrasts with the large lots and big, spread out single family residences just north of Lake Street. Nevertheless, this development pattern is not in and of itself historically significant since the pattern represents the basic way development occurs in most communities.

*Criterion 4:* The property embodies the distinctive characteristics of an architectural or engineering type or style, or method of construction.

Designed in a vernacular style common throughout the city of Minneapolis and this block of Park Avenue, the building lacks the architectural details and original features of numerous better remaining examples.

*Criterion 5:* The property exemplifies a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail.

The majority of the lot contains impermeable surfaces (two buildings and paved areas). No other vegetation besides grass and weeds exists on the lot.

*Criterion 6:* The property exemplifies works of master builders, engineers, designers, artists, craftsmen or architects.

Although the renowned architectural firm of Boehme and Cordella designed the home, the property's association with this architectural firm is neither the best example of this firm's work (the Swan Turnblad House, one of the first two landmarks designated by the

city, is the best residential example) nor the most representative since this design mimics the design of numerous homes on this block and throughout the City of Minneapolis, many of which were built without the aid of an architect.

*Criterion 7:* The property has yielded, or may be likely to yield, information important in prehistory or history.

Not being located along known indigenous transportation routes or waterways, the site in question contains little potential to yield information important in prehistory. The relative simplicity and commonality of this building's design indicates that the residence contains little potential to yield information important in prehistory.

## INTEGRITY

In addition to being historically significant, the Pauline Fjelde Residence retained its ability to communicate its historical significance as evident in its retention of five of the seven aspects of integrity, until its December 24, 2009 demolition.

*Location:* The original Building Permit for this home notes that the building was constructed onsite, indicating that the building maintains integrity of location.<sup>19</sup>

*Design:* Historical photographs and Sanborn Fire Insurance Maps indicate that a full width front porch and small side porch have been replaced. No other major exterior design changes are evident.<sup>20</sup> With the exception of its porches the building retains all of its character defining features. Since the basic design of the exterior building remains intact, the building possesses integrity of design.

*Setting:* The property's integrity of setting remains intact. The home continues to stand on the border of a residential district and commercial corridor along Lake Street. Many adjacent homes bear a very similar design to 3009 Park Avenue and also were constructed in the early 1900s.

*Materials:* The building does not possess integrity of materials. Building Permit records indicate that the building's original cladding was replaced with stucco in 1946. In 1995 the owner replaced the soffit, fascia, and gutters. Numerous windows and doors have been replaced. Reroofings were conducted in 1974 and 1981.

*Workmanship:* Historical photographs of the property obtained since the Heritage Preservation Commission considered the Demolition of a Historic Resource application indicate numerous changes to the building since 1920. The changes include the removal of a front porch with a wood spindle balustrade, ashlar foundation, and Ionic columns; the replacement of a side porch; the removal of leaded glass windows; and the removal of a wood spindle balustrade from the half story window overlooking the bay

---

<sup>19</sup> City of Minneapolis Building Permit #B72455, 3009 Park Avenue.

<sup>20</sup> Photographs from the Personal Collection of Rolf Wunder.

window.<sup>21</sup> While the building retains its integrity of design, it has lost the vast majority of elements that clearly indicate the workmanship originally imbued in the building. Early twentieth century workmanship is still evident in the existing trim around a set of windows in the pediment of the front elevation, but this is insufficient to permit the building to retain integrity of workmanship.

*Feeling:* The building's integrity of feeling remains. The subject property continues to serve its original function as a residential property on the border of a residential district and commercial corridor. In addition, the subject property is a similar design, scale, size, and massing as the neighboring properties to the south. Even though the front elevation has been altered, the property's expression of a particular period of time is evident.

*Association:* The residence retains its integrity of association. Although the lot has changed owners twenty-five times since Fjelde sold it in 1920, Fjelde was the original owner and resident of the building.<sup>22</sup> Additionally, this residence was the first home she built; the home that Fjelde owned for the longest period of her life; her place of business; and her residence during the period that she created her greatest artistic achievement: the Hiawatha tapestry. Although it has deteriorated substantially since 1920, the building would be recognizable to Fjelde and her contemporaries because it remains in its original location and retains its character defining features.

*Interior Integrity:* Visual evidence indicates extensive deterioration and interior alterations clearly not dating back to the building's period of significance. Indeed, few features inside the building appear old enough to date back to 1920. The building's interior does not retain its ability to communicate its historical significance and is therefore not suitable for designation.

---

<sup>21</sup> Photographs from the Personal Collection of Rolf Wunder.

<sup>22</sup> Tract Index, Lot 26, Block 2, Chicago Lake Park Addition to Minneapolis, Hennepin County Public Records Division, Minneapolis, MN; Abstract of Title to Lot 26, Block 2, Chicago Lake Park Addition to Minneapolis, Hennepin County Office of the Examiner of Titles, Minneapolis, MN.

## OTHER BUILDINGS

Of any building left in Minneapolis, 3009 Park Avenue maintains the strongest association with Pauline Fjelde.

**Figure 16. Pauline Fjelde's Places of Business in Minneapolis**

Place of Business	Years	Building Extant?	Sources Besides City Directories, City Building Permit Records, and Contemporary Photographs
35 Reeve Building & 415-417 Cedar Avenue (Holtzerman's Chicago Store)	1893-1894	No (Reeve Building) and yes (Holtzerman's)	"Holtzerman's Chicago Store," <i>Minneapolis Tribune</i> , 22 April 1894, 3; <i>Sanborn Fire Insurance Map</i> , Minneapolis, MN, 1885-1889; <i>Sanborn Fire Insurance Map</i> , Minneapolis, MN, 1912-1930, Vol. 4, 359; <i>The Dual City Blue Book</i> , Saint Paul: R.L. Polk & Co., 1893-1894.
260, 360, and 365 Syndicate Arcade	1898-1901	No	1900 U.S. Federal Census; Larry Millett, <i>Lost Twin Cities</i> (St. Paul: Minnesota Historical Society Press, 1992) 156-158.
360 Syndicate Arcade	1902-1907	No	Larry Millett, <i>Lost Twin Cities</i> (St. Paul: Minnesota Historical Society Press, 1992) 156-158; Gail Marie Aaneson, <i>The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress</i> , Masters Thesis, University of Minnesota, 104.
3008 Park Avenue	1906 or 1907	Yes (moved offsite)	Gail Marie Aaneson, <i>The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress</i> , Masters Thesis, University of Minnesota, 1971, 16.
3009 Park Avenue	1908-1918	Yes	Gail Marie Aaneson, <i>The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress</i> , Masters Thesis, University of Minnesota, 1971, 16, 19, 104.
311 Wilmac Building	1920-1923	No	1920 U.S. Federal Census

NOTE: City directories list no place of business for Pauline Fjelde during the following years: 188-1893, 1894-1897, 1908-1919.

The Reeve, Syndicate and Wilmac buildings, where Fjelde's embroidery business was housed for periods of time, have all been demolished.<sup>23</sup> The Reeve Building's site at 4<sup>th</sup> Street and Nicollet Avenue has changed radically, most recently with the construction of the Central Library and previously with the construction of a parking garage, parking lot, and a 1965 office building. Fjelde also worked in the Syndicate Building on the east side of Nicollet Avenue between 5<sup>th</sup> and 6<sup>th</sup> streets, but that edifice was destroyed by a fire in 1989.<sup>24</sup> The Wilmac Building at 719 Nicollet Avenue was demolished in late 1968 and early 1969 shortly before the IDS Center was constructed onsite.<sup>25</sup>

One commercial building associated with Pauline Fjelde's commercial life for at least a short period of time is extant, but is historically significant for other reasons. An 1894 Minneapolis Tribune advertisement boasts of having the Fjelde Sisters in charge of the Fancy Goods Department of Holtzerman's Chicago Store at 415-417 Cedar Avenue, and notes that Pauline Fjelde taught onsite as well.<sup>26</sup> The Holtzerman Building, which housed the store, remains standing at what is now 417-423 Cedar Avenue South (417 Cedar Avenue South, according to City records). While the building is neither locally nor nationally designated as historic, it was deemed eligible for listing in the National Register of Historic Places in 1981. A 2003 city-initiated reconnaissance survey determined the property eligible for local designation as a Minneapolis Landmark. Nevertheless, these determinations clearly indicate that the property is historically significant due to its association with the immigrant-based commercial development of the Cedar-Riverside area under the long-standing ownership of the Holtzerman family. Although the Holtzerman's tenure at the building ended after more than seventy-five years, the building continues to offer retail goods and services to the neighborhoods new immigrants. Nothing in either evaluation suggests that the store's significance is derived from its one-time association with Pauline Fjelde.<sup>27</sup> Furthermore, city directories which

---

<sup>23</sup> Minneapolis City Directory, 1893-1894, 1895-1896, 1898-1901, 1904-1907, 1923.

<sup>24</sup> Larry Millett, *Lost Twin Cities* (St. Paul: Minnesota Historical Society Press, 1992) 156-158.

<sup>25</sup> City of Minneapolis Wrecking Permit #113458, 717-721 Nicollet Avenue; "Wilmac Building, 719 Nicollet, Minneapolis," Norton & Peel Photograph Collection 11/18/1958, Negative no. NP255509, Minnesota Historical Society, St. Paul, MN.

<sup>26</sup> "Holtzerman's Chicago Store," *Minneapolis Tribune*, 22 April 1894, 3.

<sup>27</sup> Teresa Lang, *National Register of Historic Places Inventory-Nomination Form: The Holtzerman Building*, 6 December 1981, 417-423 Cedar Ave. S., Potential Historic Resource Files, Planning Division, Community Planning and Economic Development Department, Minneapolis, MN; Mead and Hunt, Inc., *Minneapolis HPC Building Inventory Form: 417-419 Cedar Avenue South*, 417-423 Cedar Ave. S., Potential Historic Resource Files, Planning Division, Community Planning and Economic Development Department, Minneapolis, MN; Mead and Hunt, Inc., *Minneapolis HPC Building Inventory Form: 421-423 Cedar Avenue South*, 417-423 Cedar Ave. S., Potential Historic Resource Files, Planning Division, Community Planning and Economic Development Department, Minneapolis, MN.

routinely listed Fjelde’s place of business never listed this building as her work address.<sup>28</sup>

3009 Park Avenue is not the only Minneapolis residence associated with Pauline Fjelde. Minneapolis City Directories from 1887 to 1907 indicate that Fjelde lived for short periods of time in eight different spaces with her sister, Thomane, until she paid to have 3009 Park Avenue constructed in 1907.<sup>29</sup>

**Figure 17. Pauline Fjelde’s Minneapolis Residences**

Residence	Years	Residence Extant?	Sources Besides City Directories, City Building Permit Records, and Contemporary Photographs
1406 E 21 <sup>st</sup> St	1888-1889	No	
627 ½ NE 5 <sup>th</sup> St	1890-1893	Yes	
2432 9 <sup>th</sup> Ave S	1893-1894	Unclear	<i>Sanborn Fire Insurance Map, Minneapolis, MN, 1885-1889; Sanborn Fire Insurance Map, Minneapolis, MN, 1912-1930, Vol. 4, 359; The Dual City Blue Book, Saint Paul: R.L. Polk &amp; Co., 1893-1894.</i>
2540 10 <sup>th</sup> Ave S	1894-1896	No	
916 3 <sup>rd</sup> Ave S	1897	No	
2518 10 <sup>th</sup> Ave S	1898-1901	No	1900 U.S. Federal Census
2528 Elliot Ave	1902-1905	No	
3008 Park Ave	1906-1907	Yes (moved offsite)	
3009 Park Ave	1908-1918	Yes	1910 U.S. Federal Census
4715 15 <sup>th</sup> Ave S	1919-1923	Yes	1920 U.S. Federal Census

NOTE: City directories list no residence for Pauline Fjelde during 1887-1888 when she first arrived in Minneapolis.

From 1888-1889 Fjelde lived at 1406 21<sup>st</sup> Street East.<sup>30</sup> The Minneapolis Community Development Authority demolished this dwelling in 1988.<sup>31</sup> A single story, masonry commercial building now occupies the site.

From 1890-1893 Fjelde lived in an apartment at 627 ½ 5<sup>th</sup> Street Northeast.<sup>32</sup> The building remains standing.<sup>33</sup> This may have been the building where Pauline and her sister embroidered her award-winning state flag. In any event, it remains an apartment

<sup>28</sup> Minneapolis City Directory, 1886-1924.

<sup>29</sup> City of Minneapolis Building Permit #B72455, 3009 Park Avenue.

<sup>30</sup> Minneapolis City Directory, 1888-1889.

<sup>31</sup> City of Minneapolis Building Permit # I021688, 1406 E 21<sup>st</sup> Street

<sup>32</sup> Minneapolis City Directory, 1890-1893.

<sup>33</sup> Sanborn Fire Insurance Map, Minneapolis, MN, 1885-1889, Vol. 2, 66; <sup>33</sup> Sanborn Fire Insurance Map, Minneapolis, MN, 1912-1930, Vol. 7, 765.

building. Only one portion of the building is associated with her. She did not pay to have the building constructed, she simply lived and worked there before she was able to afford commercial work space. While the building is undoubtedly associated with Pauline Fjelde, it is clearly not the best remaining example of her significance to the city and state.

From 1893 to 1894 Fjelde lived at 2432 9<sup>th</sup> Avenue South.<sup>34</sup> Ninth Avenue South no longer exists outside of the downtown area. It was renamed Elliot Avenue around the turn of the twentieth century. Building permit records indicate that the only structure at 2432 9<sup>th</sup> Avenue South in the 1890s was a wood shed constructed in 1889. That shed is no longer extant. It is extremely unlikely that Pauline Fjelde moved from a large apartment building to live in a wood shed, but the residence currently at 2432 9<sup>th</sup> Avenue South was not constructed until 1905. The neighboring flat at 2436 9<sup>th</sup> Avenue South was constructed in 1886, but was clearly identified as # 2436 on its original building permit in 1886. The city directory and blue books that are the source of Fjelde's address may both be incorrect, but staff has been unable to conclusively prove this. The 1885-1889 edition of Sanborn Fire Insurance Maps of the city do not cover this neighborhood. The *Minneapolis Star Tribune* lists two deaths and one prize winning resident at 2432 9<sup>th</sup> Avenue South between 1893 and 1896.<sup>35</sup> In any event, a *Minneapolis Star Tribune* article dated November 1, 1894 indicates that Pauline Fjelde had spent the past six months studying art in Denmark and Germany. Additionally, city directories and newspaper advertisements indicate that she maintained two commercial spaces to conduct her work during this time. Whether flat or woodshed, it is clear that Pauline Fjelde lived in this space for less than two years and did not run her business from this address. If part of 2436 Elliot Avenue South was indeed her residence, it is clearly not the best remaining example of her significance to the city and state.

From 1894-1896 Fjelde lived at 2518 10<sup>th</sup> Avenue South.<sup>36</sup> The Minnesota Lumber and Wrecking Company demolished this building in 1964.<sup>37</sup>

In 1897 Fjelde lived at 916 3<sup>rd</sup> Avenue South.<sup>38</sup> This building was demolished in 1917 by the Cleveland Wrecking Company.<sup>39</sup>

From 1898-1901 Fjelde lived at 2518 10<sup>th</sup> Avenue South.<sup>40</sup> This building was moved to 2520 10<sup>th</sup> Avenue South in 1901 and demolished by the Herbst Construction Company in 1986 to make way for a Children's Health Center (now Children's Hospital) parking

---

<sup>34</sup> Minneapolis City Directory, 1893-1894.

<sup>35</sup> "Grave," *Minneapolis Star Tribune*, 20 June 1893, 8; "Died," *Minneapolis Star Tribune*, 7 July 1896, 7; "Prize Puzzles," *Minneapolis Star Tribune*, 15 September 1895, 21.

<sup>36</sup> Minneapolis City Directory, 1894-1896.

<sup>37</sup> City of Minneapolis Building Permit #\_I9648, 2540 10<sup>th</sup> Avenue South.

<sup>38</sup> Minneapolis City Directory, 1897.

<sup>39</sup> City of Minneapolis Building Permit #I982, 916 3<sup>rd</sup> Avenue South.

<sup>40</sup> Minneapolis City Directory, 1898-1901.

garage.<sup>41</sup> Fjelde moved across the block to 2528 Elliot Avenue from 1902-1905.<sup>42</sup> The Truck Crane Service demolished this 2.5 story wood frame duplex in 1969.<sup>43</sup> Today the Children's Hospital stands on this site.

From 1906-1907 Fjelde lived at 3008 Park Avenue, a 1.5 story wood frame home built in 1905 for Thomane Hansen, Pauline's sister.<sup>44</sup> William H. Doepke moved 3008 Park Avenue to 2930 Park Avenue in 1956.<sup>45</sup> The building remains on this site one-half block north of 3009 Park Avenue, while a car wash now stands at 3008 Park Avenue where Pauline and her sister once resided.

While her final residence prior to her death, 4715 15<sup>th</sup> Avenue South, is still in existence, it is not as strongly associated with her as 3009 Park Avenue. In 1918 Pauline Fjelde hired the Keith Company to design this small, single-story residence.<sup>46</sup> Pauline lived in the 15<sup>th</sup> Avenue house only during the final four years of her life, and owned her 3009 Park Avenue residence until 1920.<sup>47</sup> Pauline attempted to complete the Hiawatha Tapestry during the years that she resided at 4715 15<sup>th</sup> Avenue South while suffering from a liver tumor. Realizing that she would die before the tapestry's completion, Pauline spent her final days teaching her sister, Thomane, and another woman how to finish the fourth border of the tapestry.<sup>48</sup>

---

<sup>41</sup> City of Minneapolis Building Permit Index Card, 2518 10<sup>th</sup> Avenue South; City of Minneapolis Building Permit Index Card, 2520 10<sup>th</sup> Avenue South.

<sup>42</sup> Minneapolis City Directory, 1902-1905.

<sup>43</sup> City of Minneapolis Building #114185, 2528 Elliot Avenue.

<sup>44</sup> Minneapolis City Directory, 1906-1907.

<sup>45</sup> City of Minneapolis Building #B61958, 3008 Park Avenue; City of Minneapolis Building Permit Index Card, 3008 Park Avenue; City of Minneapolis Building Permit Index Card, 2930 Park Avenue.

<sup>46</sup> City of Minneapolis Building Permit #B133186, 4721 15<sup>th</sup> Avenue South; City of Minneapolis Building Permit Index Card, 4721 15<sup>th</sup> Avenue South; City of Minneapolis Building Permit Index Card, 4715 15<sup>th</sup> Avenue South; Minneapolis City Directory, 1919. NOTE: H.L. McCoig and Company began building a house at 4721 15<sup>th</sup> Avenue South for Pauline Fjelde in September 1918. City of Minneapolis Building Permit records indicate that this was the first house built on the block between 47<sup>th</sup> and 48<sup>th</sup> streets east. On October 9, 1918, the home's address appears to have changed to 4715 15<sup>th</sup> Avenue South, probably due to the creation of new lots or reassignment of addresses in this nascent neighborhood.

<sup>47</sup> "Fjelde Sculptures and Tapestry Will Be on Exhibition," Fjelde Family Biography File, James K. Hosmer Special Collections, Minneapolis Central Library, Minneapolis, MN; Minneapolis City Directory, 1918-1923; Abstract of Title to Lot 26, Block 2, Chicago Lake Park Addition to Minneapolis, Hennepin County Office of the Examiner of Titles, Minneapolis, MN.

<sup>48</sup> Gail Marie Aaneson, *The Life and Work of Miss Pauline Fjelde, Minnesota Weaver-Embroideress*, Masters Thesis, University of Minnesota, 1971, 20-21.



**Figure 16. 4715 15<sup>th</sup> Avenue South, October 2008, staff photo**

#### CONTEXT IN RELATION TO OTHER LOCALLY DESIGNATED LANDMARKS

3009 Park Avenue's place within other categories of historic properties in Minneapolis is worth noting. Only one designated landmark (the Hosmer Branch Library) and one designated historic district (The Healy Block Historic District) exist within the Central neighborhood where Fjelde's residence stands. Twenty-two landmarks like the Pauline Fjelde residence, constructed in the first decade of the twentieth century. Most of those residences, such as the Semple House, Carpenter House, Turnblad House, and Martin House, are monumental in character and do not represent Minneapolis' middle class. Currently only eleven Minneapolis Landmarks provide tangible evidence of the influence of historically significant women: the Frank and Karen Brooberg Residence, the Little Sisters of the Poor Home for the Aged, the Maternity Hospital, the Lena O. Smith House, the Woman's Club of Minneapolis, the Handicraft Guild Building, the Franklin Branch Library, the Hosmer Branch Library, the Old East Lake Library, the Linden Hills Branch Library, and the Roosevelt Branch Library. The latter five are associated with librarian Gratia Countryman. While the Handicraft Guild Building is associated with many local artists, Pauline Fjelde was not affiliated with this institution.<sup>49</sup>

---

<sup>49</sup> Landmark Files, Planning Division, Community Planning and Economic Development Department, Minneapolis, MN; Michael Conforti, ed., *Art and Life on the Upper Mississippi, 1890-1915* (Dover: University of Delaware press, 1994), 187. NOTE: Conforti's compilation notes Fjelde being affiliated with the Minneapolis School of Fine Arts when other award winning artists affiliated themselves with the handicraft Guild.

---

**8. Geographical Data**

---

Acreage of Property: 0.11 acres

PIN number: 0202824220035

Legal Description: Lot 26, Block 2, Chicago Lake Park Addition to Minneapolis

The designation includes the parcel of land historically associated with the property.

---

**9. Form prepared by:**

---

Name/Title: John Smoley, Ph.D.

Organization: City of Minneapolis, CPED-Planning

Street and number: 250 4<sup>th</sup> Street South

Telephone: (612) 673-2830

City: Minneapolis

State: MN

Zip: 55415

---

**10. Minneapolis Heritage Preservation Commission Comments**

---

Date submitted to Minneapolis HPC: March 2, 2010

Date of Minneapolis HPC comment: March 2, 2010

---

**11. Description of City Council Action**

---

Designation of property pursuant to: Action of the Heritage Preservation Commission per the Minneapolis Code of Ordinances, Chapter 599.480.

Date of action:

**Attachment B**  
**Minneapolis Police Department Arson**  
**Investigation Update**

**Smoley, John**

---

**From:** McKenna, Sean  
**Sent:** Wednesday, February 03, 2010 10:52 AM  
**To:** Smoley, John  
**Subject:** RE: good idea!

Good day Sir-  
 The information remains current.  
 Sean

---

**From:** Smoley, John  
**Sent:** Wednesday, February 03, 2010 9:56 AM  
**To:** McKenna, Sean  
**Subject:** RE: good idea!

Sean,

Would you please confirm that the arson investigation summary below is still the most current information for the arson investigation at 3009 park Ave? I'll be including what's below in a staff report for public consumption, unless there have been further updates to the case.

Thanks,

John

John Smoley, Ph.D.  
 City of Minneapolis  
 Preservation and Design Team  
 250 South 4<sup>th</sup> Street, Room 300  
 Minneapolis, MN 55415  
 612-673-2830  
[john.smoley@ci.minneapolis.mn.us](mailto:john.smoley@ci.minneapolis.mn.us)

Don't wait. The time is now... **Adopt-a-Picket!** Details at <http://www.friendsofthecemetery.org/fence/fence.shtml>  
 <hr size=2 width="100%" align=center tabindex=-1>

**From:** McKenna, Sean  
**Sent:** Friday, October 30, 2009 7:41 AM  
**To:** Smoley, John  
**Subject:** RE: good idea!

o.k.

---

**From:** Smoley, John  
**Sent:** Thursday, October 29, 2009 11:37 AM  
**To:** McKenna, Sean  
**Subject:** RE: good idea!

Sean,

Please only include photos that we can share with members of the public. I don't want to put your or us in a compromising position.

Thanks,

2/22/2010

B1

John

John Smoley, Ph.D.  
 City of Minneapolis  
 Preservation and Design Team  
 250 South 4<sup>th</sup> Street, Room 300  
 Minneapolis, MN 55415  
 612-673-2830  
[john.smoley@ci.minneapolis.mn.us](mailto:john.smoley@ci.minneapolis.mn.us)

Don't wait. The time is now... **Adopt-a-Picket!** Details at <http://www.friendsofthecemetery.org/fence/fence.shtml>

---

**From:** McKenna, Sean  
**Sent:** Thursday, October 29, 2009 11:32 AM  
**To:** Smoley, John  
**Subject:** RE: good idea!

Good luck and if I can help you out, let me know. I will get disc of the pictures to you as they become available.  
 SM

---

**From:** Smoley, John  
**Sent:** Thursday, October 29, 2009 11:28 AM  
**To:** McKenna, Sean  
**Subject:** RE: good idea!

Thanks very much for this synopsis Sean! We'll include this with our written & verbal reports to the City Council, State Office of Historic preservation, & others **unless I hear otherwise from you.**

John

John Smoley, Ph.D.  
 City of Minneapolis  
 Preservation and Design Team  
 250 South 4<sup>th</sup> Street, Room 300  
 Minneapolis, MN 55415  
 612-673-2830  
[john.smoley@ci.minneapolis.mn.us](mailto:john.smoley@ci.minneapolis.mn.us)

Don't wait. The time is now... **Adopt-a-Picket!** Details at <http://www.friendsofthecemetery.org/fence/fence.shtml>

---

**From:** McKenna, Sean  
**Sent:** Thursday, October 29, 2009 11:26 AM  
**To:** Smoley, John  
**Subject:** good idea!

Synopsis of fire reports for 3009 Park Avenue South  
 Tuesday, September 29<sup>th</sup> 2009, time of call 2055 hours (8:55 p.m.)  
 Fire rigs on scene at 2100 hours  
 Interior fire attack at 2101 hours  
 Second alarm called at 2108 hours

Several 911 callers reported fire, including several passers-by. The 911 callers have been contacted and none reported seeing any people around the house or fleeing the area.

Smoke was visible from the 2<sup>nd</sup> and 3<sup>rd</sup> floors and fire visible in the rear on the first floor in the back of the home at the S.E. corner when fire crews arrived.

The building was vacant but was open to trespass. Firefighters found at least one closed but unlocked door upon arrival. The fire

2/22/2010

82

originated on the first floor, S.E. corner, in what appeared to be a kitchen and entryway. The fire had burned holes in a first floor rear staircase and had traveled to the second floor and attic before firefighters were inside.

Due to the volume of fire, The Fire Department had to switch to an exterior fire attack for a period of time before returning inside to fully extinguish the fire.

The fire also traveled up interior walls in the rear of the building through plumbing pipe spaces. On the second floor, the fire burned a back bedroom on the northside of the property and entered the attic and did heavy damage to the roof.

The fire rekindled at 0400 hours on Wednesday September 30<sup>th</sup> 2009 around 0400 hours and required a second fire department response.

This fire is considered an intentionally set fire, that is arson. There were no working utilities (electric or natural gas) in the house and an absence of accidental causes at the point of origin.

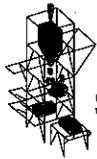
The investigation of the fire is on-going. There is a reward offered of up to an amount of \$2,500 dollars for information leading to the arrest and conviction of any person or persons responsible for this crime.

Arson in the first Degree, Minnesota State Statute 609.561, may possibly apply in the case. The Statute reads "Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building that is used as a dwelling at the time the act is committed, whether the inhabitant is present therein at the time of the act or not, or any building appurtenant to or connected with a dwelling whether the property of the actor or of another, commits arson in the first degree and may be sentenced to imprisonment for not more than 20 years or to a fine of not more than \$20,000, or both".

The statute of limitations for the crime of arson is five years.

Sean McKenna  
Minneapolis Police Department – Arson Squad  
612-673-3389

**Attachment C**  
**December 7, 2009 Engineering Report**  
**Commissioned by the Property Owner**

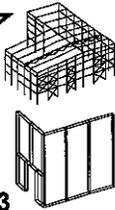


# HAVTEK

**Structural Consulting, Ltd.**

6482 Carlson Dr  
Eden Prairie, MN 55346  
[www.havtek.com](http://www.havtek.com)

952-935-1113 Fax 952-935-1473



## **STRUCTURAL INSPECTION REPORT**

Date: December 7th, 2009

Time: 12:30p.m.

Report no. #144

Temperature: 14F

Weather: Sunny

Inspector: Greg Havlik.

Project Desc.

Project No.: none

Reference Drawings: none

### **Inspection Observations:**

HavTek was asked to inspect the house at 3009 Park in Minneapolis for structural stability. The damage observed from the fire has created a very hazardous condition. The roof is not stable and is ready to collapse. The roof members are completely burned through on the north side of the house and the attic floor members are burned though on both ends, thereby teetering on the center wall. The main level also has significant damage to the floor joist members. Some joists are completely burned through and missing. The lower level has excessive mold damage that has softened the supporting members of the house. The fire damage was mostly east of the chimney. The floors and roof east of the chimney are ready to collapse. Many of the supporting members still in place are burned over 50% of their thickness. The exterior stucco is cracked in many areas in the location of the most severe fire damage. This is consistent with structural collapse of the building by the weight of the building being support by the stucco. The remaining portion of the house the stucco does not have any cracks that are consistent with structural loading.

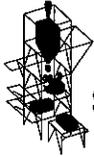
It is my opinion that any additional load on the roof will cause an unbalanced condition causing a collapse of the roof which will then fall onto the attic floor which is teetering on the center wall. This will then fall against the north wall of the house. Due to the fire damage the north wall is no longer supported by the floors and attic members for wind loads and the falling roof and attic members will cause this wall to fall into the alley.

I advise against workers on the roof as it is very unstable. Even a snow fall could trigger the progressive collapse stated above. Shoring from the basement and every floor would be required before any work can be attempted on the roof.

The house is not structurally sound and collapse is probable.

### **Corrections Req'd:**

Due to the lack of stability of the floors and walls a full shoring is required from basement to the attic before any work can be started. The damage from the fire was mostly to the east of the chimney however the removal of members that are damaged will compromise the entire structure by removing the load path to the foundation. The floors are used to tie the walls together and transfer load to the

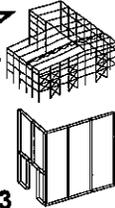


# HAVTEK

**Structural Consulting, Ltd.**

6482 Carlson Dr  
Eden Prairie, MN 55346  
[www.havtek.com](http://www.havtek.com)

952-935-1113 Fax 952-935-1473



## **STRUCTURAL INSPECTION REPORT**

---

resisting walls. When half of the floors are damaged and more are removed during reconstruction the load path no longer exists for the entire structure. When the loads are not resisted collapse is possible.

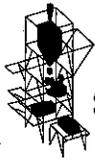
The installation of the shoring needs to be completed with great caution as danger of collapse during this activity is possible. Once shoring is in place the reconstruction sequencing will be complicated as removing damaged items will increase the possibility of collapse, before the new members would be installed to improve the stability. Professionals specializing in this type of reconstruction are highly recommended to avoid personal injury or collapse of building.

Therefore due to the extent of the damage and dangerous conditions I recommend complete teardown of structure.

Some Pictures of damage on next 7 pages.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

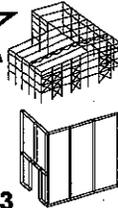
Date: 12-09-09 Reg. No.22085  
Gregory J Havlik



# HAVTEK

Structural Consulting, Ltd.

6482 Carlson Dr  
Eden Prairie, MN 55346  
[www.havtek.com](http://www.havtek.com)  
952-935-1113 Fax 952-935-1473



## **STRUCTURAL INSPECTION REPORT**

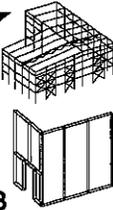
---



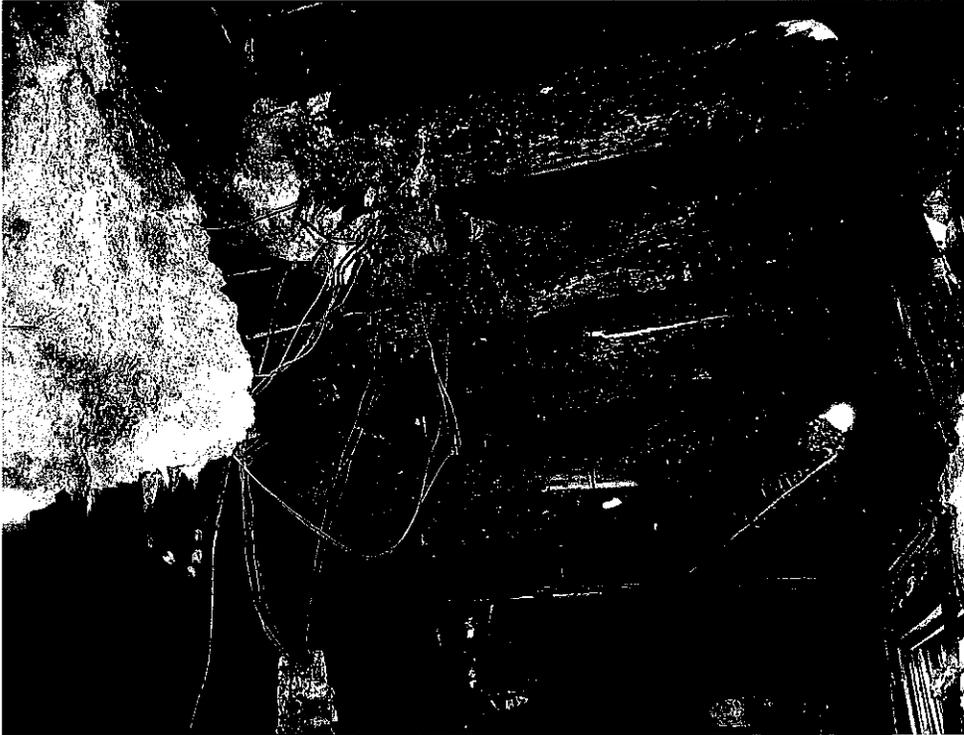
Roof missing and Attic floor joist burned through..



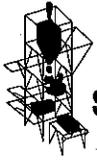
**HAVTEK**  
Structural Consulting, Ltd.  
6482 Carlson Dr  
Eden Prairie, MN 55346  
[www.havtek.com](http://www.havtek.com)  
952-935-1113 Fax 952-935-1473



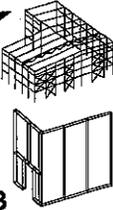
## **STRUCTURAL INSPECTION REPORT**



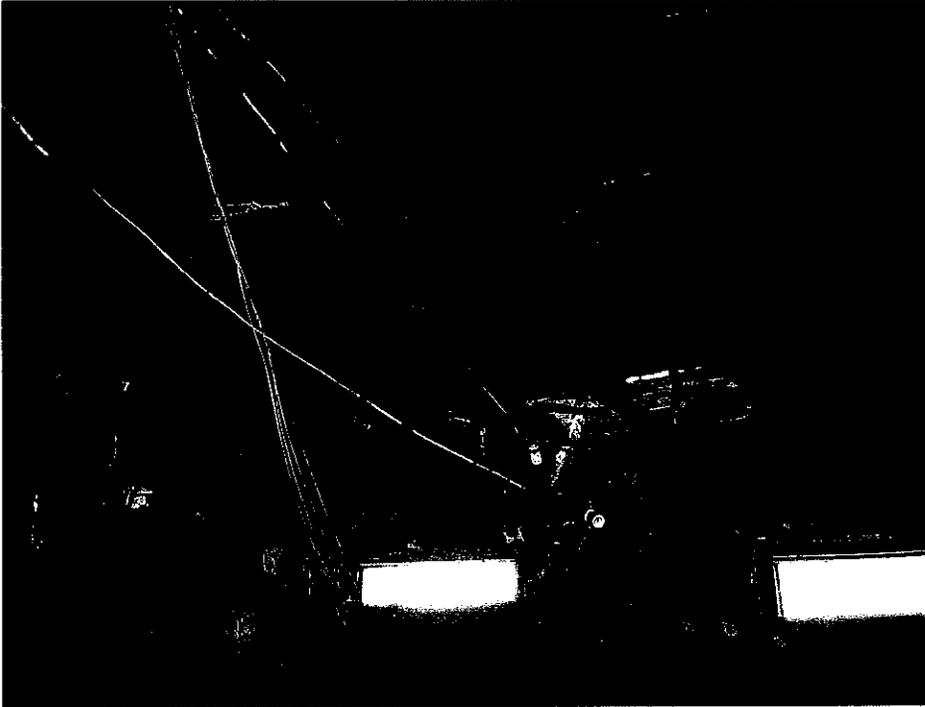
Attic floor joist burned through and failed.



**HAVTEK**  
Structural Consulting, Ltd.  
6482 Carlson Dr  
Eden Prairie, MN 55346  
[www.havtek.com](http://www.havtek.com)  
952-935-1113 Fax 952-935-1473

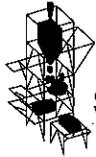


**STRUCTURAL INSPECTION REPORT**



Second Floor joist collapse

C5

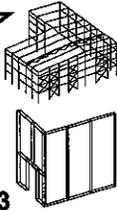


# HAVTEK

**Structural Consulting, Ltd.**

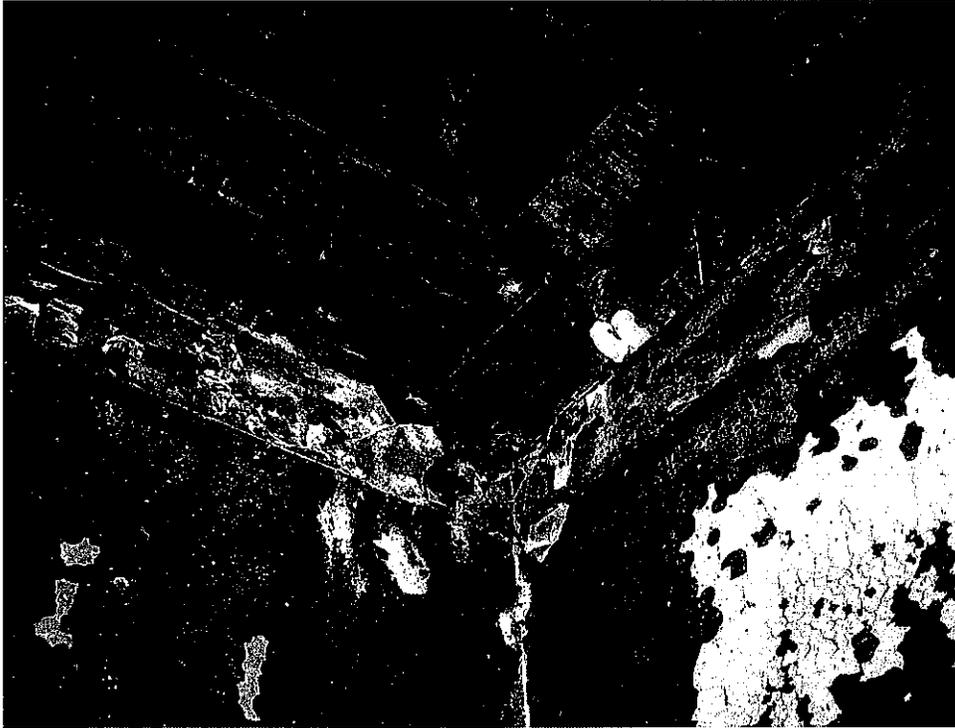
6482 Carlson Dr  
Eden Prairie, MN 55346  
[www.havtek.com](http://www.havtek.com)

952-935-1113 Fax 952-935-1473

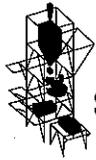


## **STRUCTURAL INSPECTION REPORT**

---



Main Floor joist burned through.

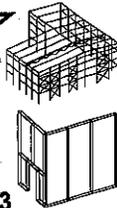


# HAVTEK

Structural Consulting, Ltd.

6482 Carlson Dr  
Eden Prairie, MN 55346  
[www.havtek.com](http://www.havtek.com)

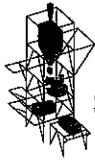
952-935-1113 Fax 952-935-1473



## **STRUCTURAL INSPECTION REPORT**



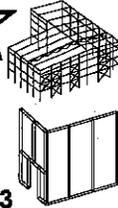
Lower level supporting members burned 50% of thickness.



# HAVTEK

Structural Consulting, Ltd.

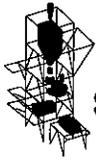
6482 Carlson Dr  
Eden Prairie, MN 55346  
[www.havtek.com](http://www.havtek.com)  
952-935-1113 Fax 952-935-1473



## STRUCTURAL INSPECTION REPORT



Second floor joist broken with some fire damage.

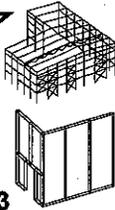


# HAVTEK

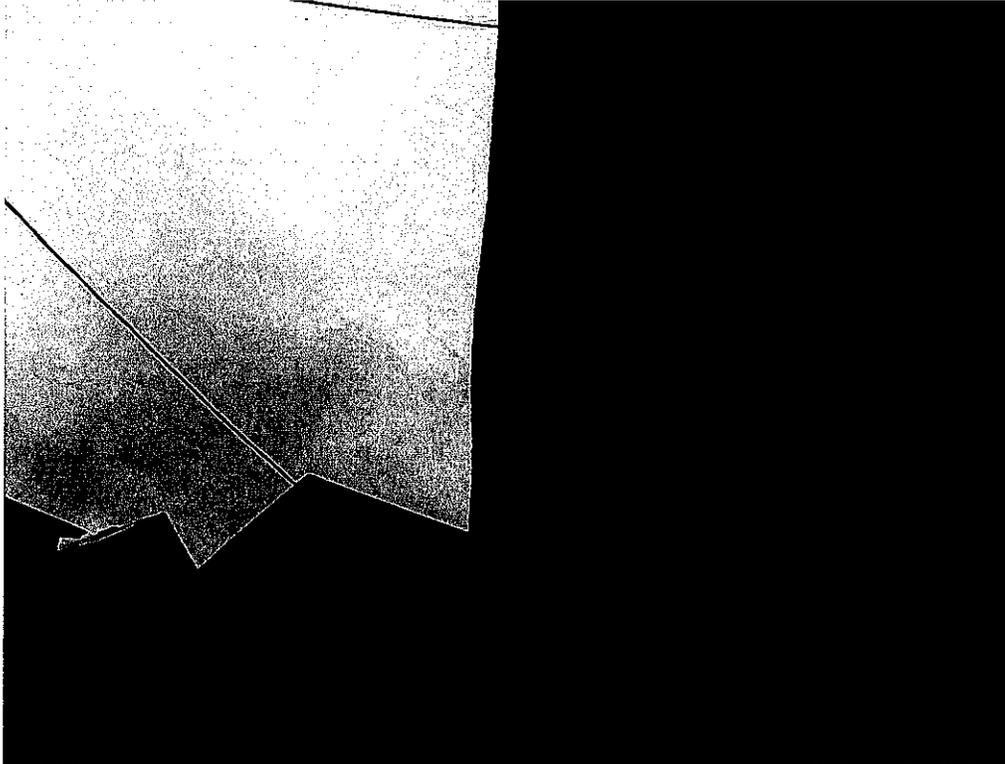
Structural Consulting, Ltd.

6482 Carlson Dr  
Eden Prairie, MN 55346  
[www.havtek.com](http://www.havtek.com)

952-935-1113 Fax 952-935-1473



## **STRUCTURAL INSPECTION REPORT**



Stucco Loading Failure

**Attachment D**  
**Orders Issued by Regulatory Services on**  
**December 4, 2009 for Work at 3009 Park**  
**Avenue**

City of Minneapolis  
Inspections Division  
Housing Inspection Services  
300 Public Service Center  
250 South 4<sup>th</sup> Street  
Minneapolis, MN 55415

JAKRIS LTD  
557 HAWTHORNE WOODS DR #104

EAGAN, MN 55123

04-DEC-09  
RFS #09-0736811

**RE: 3009 PARK AVE**

On **03-DEC-09**, an inspection of your property at the above address disclosed conditions that are violations of Minneapolis Code of Ordinances. Please make the corrections listed below by the due dates. After the due dates, a reinspection will be done to insure all violations have been corrected.

Keeping up our properties sends a signal that we care about our neighborhoods and about each other. We believe that caring about our neighborhoods helps us resist crime. Minneapolis Inspections will give special attention to all Minneapolis neighborhoods.

If all violations have been corrected, no reinspection fee will be charged. If violations are not corrected you will be required to pay a one hundred dollar (\$100.00) fee for any subsequent inspection, except those that are exempt. You may also face legal action.

Note to owners of single family rental properties: Any tax preference that you now have as a result of the 4bb tax program may be lost due to non-compliance with this order. Your property tax in forthcoming years will be significantly higher if this property is found to have past due housing code orders

The following corrections are required:

**Repair or replace the roof on this dwelling in a professional manner. Minneapolis Code of Ordinances 244.500 Violation Text 133.**

JVL

*Our Mission: To provide quality education and consistent enforcement of the Housing Maintenance and other applicable codes to communities in order to maintain, improve, and protect the housing stock and the livability of the city.*

**Inspector's Comments: - PROPERLY REPAIR ROOF TO INCLUDE BUT NOT LIMITED TO REPAIRING AND OR REPLACING ALL DAMAGED ROOF COMPONENTS TO INCLUDE FRAMING MEMBERS, DECKING AND COVERING SO AS TO TEMPORARLY PREVENT FURTHER DETERIORATION AND OR DAMAGE TO THE PRIMARY STRUCTURE. REMOVE TIRE DEBRIS FROM ROOF.**

**Due Date: 01-JAN-2010**

If you have any questions or need assistance in understanding the listed corrections, please call me:

**BRYAN STARRY (BKS), HOUSING INSPECTOR II, Phone: (612) 685-8576**

**Beginning in January 2008, Housing Inspections will observe the following office hours: 8:00-3:30 Monday, Tuesday, Wednesday & Friday and 9:00-3:30 on Thursday.**

**Resource Information:**

The Greater Metropolitan Housing Corporation, (612) 378-7985, has information about home and rental property improvement loans. You may also contact CEE Financial Resources at 612-335-5884 or 651-731-2626 or Neighborhood Housing Services at 612-521-3581. You may also contact your neighborhood organization to inquire about money or assistance from other sources.

**Permit Information:**

If it was indicated that you need a permit for any repairs, then you or your contractor must obtain a permit through our Plan Review section at 250 South 4<sup>th</sup> Street, Room 300. You may want to bring this letter for clarification.

**Code Information:**

The Minneapolis Code of Ordinances, including sections on the Housing Maintenance Code, is available on computer terminals at:

- ◆ Minneapolis Public Library, Government Documents Section
- ◆ City Clerk's Office, Room 304 City Hall, 350 South 5<sup>th</sup> Street

The code is also available through the Internet using the Minneapolis home page, [www.ci.minneapolis.mn.us](http://www.ci.minneapolis.mn.us)

Below are the steps to guide you through the web page:

- ◆ Go to Frequently Requested Information
- ◆ Select City Charter/Code of Ordinances
- ◆ Click on the Continue Button

JVL

***Our Mission:** To provide quality education and consistent enforcement of the Housing Maintenance and other applicable codes to communities in order to maintain, improve, and protect the housing stock and the livability of the city.*

- ◆ Enter your subject or ordinance code and click on Send Query

Chapter 242 of the Minneapolis Ordinances provides that an appeal may be filed if you disagree with these violations. If you would like to appeal these violation orders, please call (612) 673-5850 for an appeal form. You must file the form within 15 days of the date of this letter.

Thank you for your attention to the above mentioned violations.

BRYAN STARRY (BKS), HOUSING INSPECTOR II, Phone: (612) 685-8576

**English- Attention. If you want help translating this information, call:**

**Spanish- Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612-673-2700**

**Somali- Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 612-673-3500**

**Hmong-Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800**

**Sign Language Interpreter- 612-673-3220 TTY: 612-673-2626**

**HSG**

JVL

***Our Mission:** To provide quality education and consistent enforcement of the Housing Maintenance and other applicable codes to communities in order to maintain, improve, and protect the housing stock and the livability of the city.*

D3

CITY OF MINNEAPOLIS  
INSPECTIONS DIVISION  
HOUSING MAINTENANCE SECTION  
300 PUBLIC SERVICE CENTER  
250 SOUTH 4TH STREET  
MINNEAPOLIS, MINNESOTA 55415

JAKRIS LTD  
557 HAWTHORNE WOODS DR #104

EAGAN, MN 55123

04-DEC-09  
Request Number: 09-0736813

**Re: 3009 PARK AVE**

An inspection on **03-DEC-09** of the premises at the above address disclosed conditions that are violations of the Minneapolis Code of Ordinances. An inspection will be done at no charge after the listed due date(s).

Keeping up our properties sends a signal that we care about our neighborhoods and about each other. We believe that caring about our neighborhoods helps us prevent crime. This is why Minneapolis Inspections pays special attention to all Minneapolis neighborhoods in the city.

The following corrections are required:

**Please remove the following item(s) from your property. Minneapolis Code of Ordinances 244.40, 244.610 244.690, 244.700, 227.90 and 227.100. This violation is a nuisance condition. For more information on proper disposal, call Recycling at 673-2917. THIS VIOLATION IS EXEMPT FROM REINSPECTION FEES. THIS VIOLATION IS NOT APPEALABLE TO THE MINNEAPOLIS HOUSING BOARD OF APPEALS. Violation Text 021.**

**Inspector's Comments: - REMOVE ALL LOOSE FIRE DAMAGED MATERIALS AND DEBRIS FROM ROOF AREA TO PREVENT DEBRIS FROM FALLING AND OR SPREADING TO NEIGHBORING PROPERTIES.**

**Due Date: 01-JAN-2010**

Your prompt cooperation in attending to the item(s) above would be appreciated.

Failure to correct the above NUISANCE CONDITIONS(s) may result in the city arranging to have the nuisance condition corrected and/or removed.

**PLEASE NOTE:**

If your property receives **two (2)** or more notices within **twelve (12) months** to abate a nuisance condition the city may abate the conditions without further notice within **twelve (12) months from the date of the second notice**. All costs of the removal or correction will be charged to you as a special tax assessment against your property. It will cost you less to hire a private party to correct the nuisance condition than if you wait for the city to correct it. See Minneapolis ordinance sections 227.90, 227.100, and 244.1580.

**IF YOU HAVE ANY QUESTIONS ABOUT THESE ORDERS, OR IF YOU ARE NOT THE OWNER, AGENT OR OCCUPANT, PLEASE CALL 311.**

*\*If calling from outside the 612 area code, please dial 612-673-3000.*

**Housing does not typically grant extensions for nuisance violations.**

**Beginning in January 2008, Housing Inspections will observe the following office hours: 8:00-3:30 Monday, Tuesday, Wednesday & Friday and 9:00-3:30 on Thursday.**

The Minneapolis code of ordinances, including sections on the Housing Maintenance Code, is available on computer terminal (online) at:

- ◆ Minneapolis Public Library, Government Documents Section
- ◆ City Clerk's Office, Room 304 City Hall, 350 So. 5<sup>th</sup> St.

The code is also available at [www.ci.minneapolis.mn.us](http://www.ci.minneapolis.mn.us).

Follow these steps to guide you through the web page:

- ◆ Go to: How do I... -Find Information About-
- ◆ Select Minneapolis Ordinances
- ◆ Click Go
- ◆ Click on the Minneapolis code of Ordinances
- ◆ Enter your subject or ordinance section number and click on search.

**ALL MATERIAL AND SERVICES ARE AVAILABLE IN ACCESSIBLE FORMATS.**

**English- Attention. If you want help translating this information, call:**

**Spanish- Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612-673-2700**

**Somali- Ogow. Haddii aad dooneyso in lagaa kaalmeeyo farjamadda macluumaadkani oo lacag la' aan wac 612-673-3500**

**Hmong-Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800**

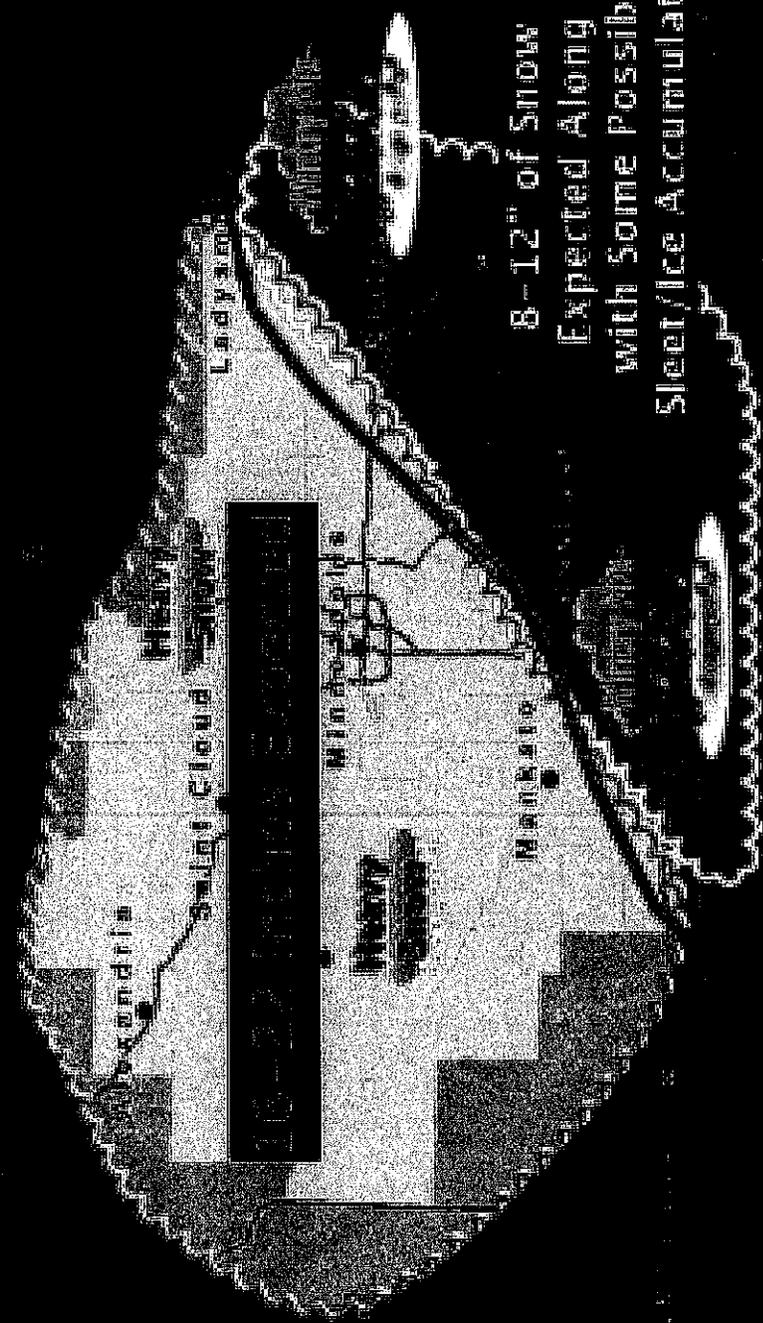
**Sign Language Interpreter- 612-673-3220 TTY: 612-673-2626**

**HSG**



**Attachment E**  
**National Weather Service Storm Forecast,**  
**December 23, 2009**

# Major Winter Storm Arrives Tonight



Last Updated 1:30 PM CST



## Wednesday, December 23, 2009

### National Weather Service - Twin Cities/Chanhassen, MN



**Attachment F**  
**3009 Park Avenue Debris Removal and  
Salvage Courtesy Notice**

**From:** Jenkins, Andrea D. [mailto:[Andrea.Jenkins@ci.minneapolis.mn.us](mailto:Andrea.Jenkins@ci.minneapolis.mn.us)]  
**Sent:** Friday, February 05, 2010 10:04 AM  
**Cc:** Glidden, Elizabeth A.  
**Subject:** 3009 Park Avenue South

**Courtesy notice of debris removal at 3009 Park Avenue South, Minneapolis**

Debris removal at the Pauline Fjelde Residence at 3009 Park Avenue will begin next Monday morning, February 8, 2010 at 7:30 a.m. The City of Minneapolis is contracting with Veit Construction to carry out the operation. Members of the public will not be allowed on site during the demolition operation, but may observe from offsite locations. A staff member from the CPED-Preservation and Design team will be at the site and in direct communication with the wrecking contractor throughout the debris removal operation. If necessary, and with the express permission of Veit, CPED staff may be allowed on site periodically to examine debris for items of possible historical value as specifically relates to the life of Pauline Fjelde. Veit will have control of the demolition site throughout the operation and have all authority to determine who may have access to the site including the property owner and/or City staff. A representative of 8<sup>th</sup> Ward Council member Elizabeth Glidden will also be in attendance so that he/she can convey information from the public to CPED staff. If items of possible historical significance are found amid the debris, some or all of them may be transported off site and stored by the City of Minneapolis for subsequent evaluation of authenticity and historic value. If such an evaluation is needed, it will be conducted in conjunction with the property owner. Items salvaged from the site will remain the property of the current property owner unless and until other arrangements are made between the property owner and the City of Minneapolis at some future date. No such arrangements will be considered at the site during debris removal. A summary of the day's proceedings will be made to the Minneapolis Heritage Preservation Commission at their regularly scheduled meeting of February 16<sup>th</sup>, at 4:30 p.m. in Room 317 City Hall.

This activity does not require formal legal notice. This notice is being sent as a courtesy extended by the City of Minneapolis to neighborhood and preservation representatives. Legal notice of the upcoming HPC meeting is sent separately using the standard procedures defined in the Minneapolis Code of Ordinances.

Further questions can be addressed to John Smoley, CPED-Preservation and Design at 612-673-2830 or [john.smoley@ci.minneapolis.mn.us](mailto:john.smoley@ci.minneapolis.mn.us)

Andrea Jenkins  
Senior Policy Aide  
Office of Elizabeth Glidden  
8th Ward City Council Office  
350 5th Street South  
Minneapolis, MN 55407  
(612) 673-2208  
(612) 673-3569 Direct  
(612) 673-3940 Fax  
[andrea.jenkins@ci.minneapolis.mn.us](mailto:andrea.jenkins@ci.minneapolis.mn.us)

[Sign up for 8<sup>th</sup> Ward E-news!](#)

**Attachment G**  
**Regulatory Services Operational Plan for  
Debris Removal And Salvage at 3009 Park  
Avenue**

**Smoley, John**


---

**From:** Reimer, Henry T.  
**Sent:** Thursday, February 04, 2010 8:39 AM  
**To:** 'dan@lakestreetlaw.com'; Fussy, Joel M.; Wolf, Lee A.; Smoley, John; Byers, Jack P.; Higgins, Patrick J.; Olson, Allan D.; Wilson, Grant J.; Deegan, Thomas M.  
**Cc:** Glidden, Elizabeth A.  
**Subject:** RE: 3009 Park Av salvage

One modification folks, I'm told that Veit will begin debris removal at 7:30 a.m. Henry

---

**From:** Reimer, Henry T.  
**Sent:** Wednesday, February 03, 2010 3:31 PM  
**To:** 'dan@lakestreetlaw.com'; Fussy, Joel M.; Wolf, Lee A.; Smoley, John; Byers, Jack P.; Higgins, Patrick J.; Olson, Allan D.; Wilson, Grant J.; Deegan, Thomas M.  
**Cc:** Glidden, Elizabeth A.  
**Subject:** RE: 3009 Park Av salvage

Thanks to everyone for your input and feedback. Here's the plan:

- Demolition and salvage will commence next Monday, February 8th at 8 a.m.
- The 4 extra hours for salvage operations may not be 4 consecutive hours, but may be interspersed throughout the demolition operation.
- The City will pay for the cost of the salvage component of the demolition, up to 4 hours. After 4 total hours of salvage, the salvage component of the demolition shall be ended.
- The remaining costs of the demolition shall be collected from the owner pursuant to the City's usual practices.
- John Smoley of Minneapolis Preservation & Design will be on site, with proper safety gear including hard hat, safety vest and appropriate footwear. Mr. Smoley will be subject to the direction of Veit while on site and during the salvage and demolition operation.
- Preservation & Design staff will inform neighborhood and community representatives of the time and date of the salvage operations.
- Mr. Shoffman, and neighborhood representatives may be present and observe the salvage operations.
- Veit shall control the demolition site and have all authority to determine who may have access to the site, including Mr. Shoffman or members of the public. No one shall be allowed on site during the demolition operation without clear authorization by Veit.
- Items of historical significance shall be transported off site and stored by the Preservation and Design unit. Any costs of transportation and storage shall be borne by Preservation and Design.
- The Minneapolis Director of Inspections shall determine value of items removed in cooperation with Mr. Shoffman.
- In the event there is agreement regarding item valuation, those items shall become the property of the City. The City shall reduce the demolition assessment by the value of historical items removed.

2/22/2010

61

- In the event there is disagreement regarding item valuation, those items shall remain the property of Mr. Shoffman. In this case, Mr. Shoffman shall immediately take possession of said items.
- Mr. Shoffman does not accept liability for any injuries that may be suffered by Mr. Smoley, any City employee or member of the public.
- The City does not accept liability for any injuries that may be suffered by Mr. Shoffman or any member of the public.

I think this covers everything. Thanks, Henry

-----Original Message-----

From: Dan Kennedy [mailto:dan@lakestreetlaw.com]  
 Sent: Friday, January 22, 2010 4:58 PM  
 To: Reimer, Henry T.  
 Cc: Fussy, Joel M.; Wolf, Lee A.; Smoley, John; Byers, Jack P.; Higgins, Patrick J.; Olson, Allan D.; Wilson, Grant J.; tom.deegan@ci.minneapolis.mn.us  
 Subject: RE: 3009 Park Av salvage

Hi Henry,

Please see the attached letter responding to your e-mail.

Dan Kennedy

Daniel L. M. Kennedy, J.D., M.B.A.  
 Kennedy Law Group, PLLC  
 4103 East Lake Street  
 Minneapolis, MN 55406  
 (612) 728-8080  
 www.lakestreetlaw.com

From: "Reimer, Henry T." <Henry.Reimer@ci.minneapolis.mn.us>  
 Date: 1/21/10 20:21 Subject: 3009 Park Av salvage

Hi all, since it is not likely that many items of historical significance can be salvaged from the wreckage at this site, let me propose the following:

1) The property owner may apply for a wrecking permit and complete the demolition, including the removal of the foundation and grading etc.  
 OR;

2) The City will complete the demolition. As to salvage, we will do the following:

a) Authorize Veit to complete the demolition, allowing no more than four hours extra time for identifying items of historical significance worthy of salvage;

b) The City will pay for the extra cost (up to 4 hours)

associated with the salvage operation. The remaining demolition costs will be assessed to the property pursuant to our customary practices;

c) Any items of monetary value that are salvaged shall belong to the City, with the demolition assessment to be reduced by the value of said items. In the event there is a dispute between the parties regarding the value of salvaged items, they shall remain the property of the home owner;

d) John Smoley or other City representative authorized by Jack Byers or Barb Sporlein will be on site during the demolition to assist Veit in identifying any items of historical value. The City will not hold the property owner liable in the event any injury occurs for obvious or unknown conditions during the salvage operations. It is understood that salvage and demolition operations are inherently dangerous activities;

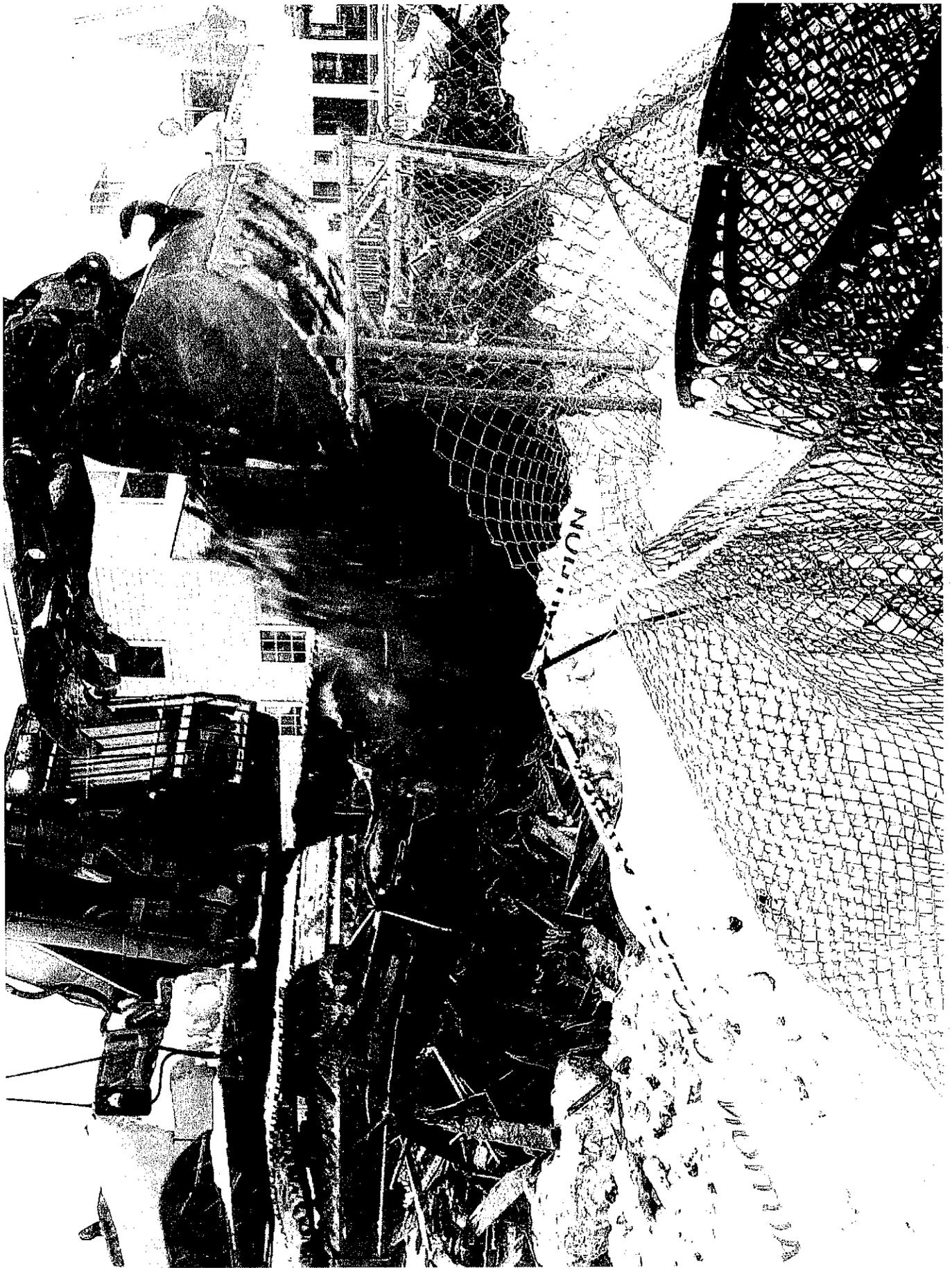
e) The City's contractor (Veit) shall control the site during the completion of the demolition and salvage operations. No member of the public shall be allowed on site during these operations.

Henry Reimer, Director of Inspections, Department of Regulatory Services

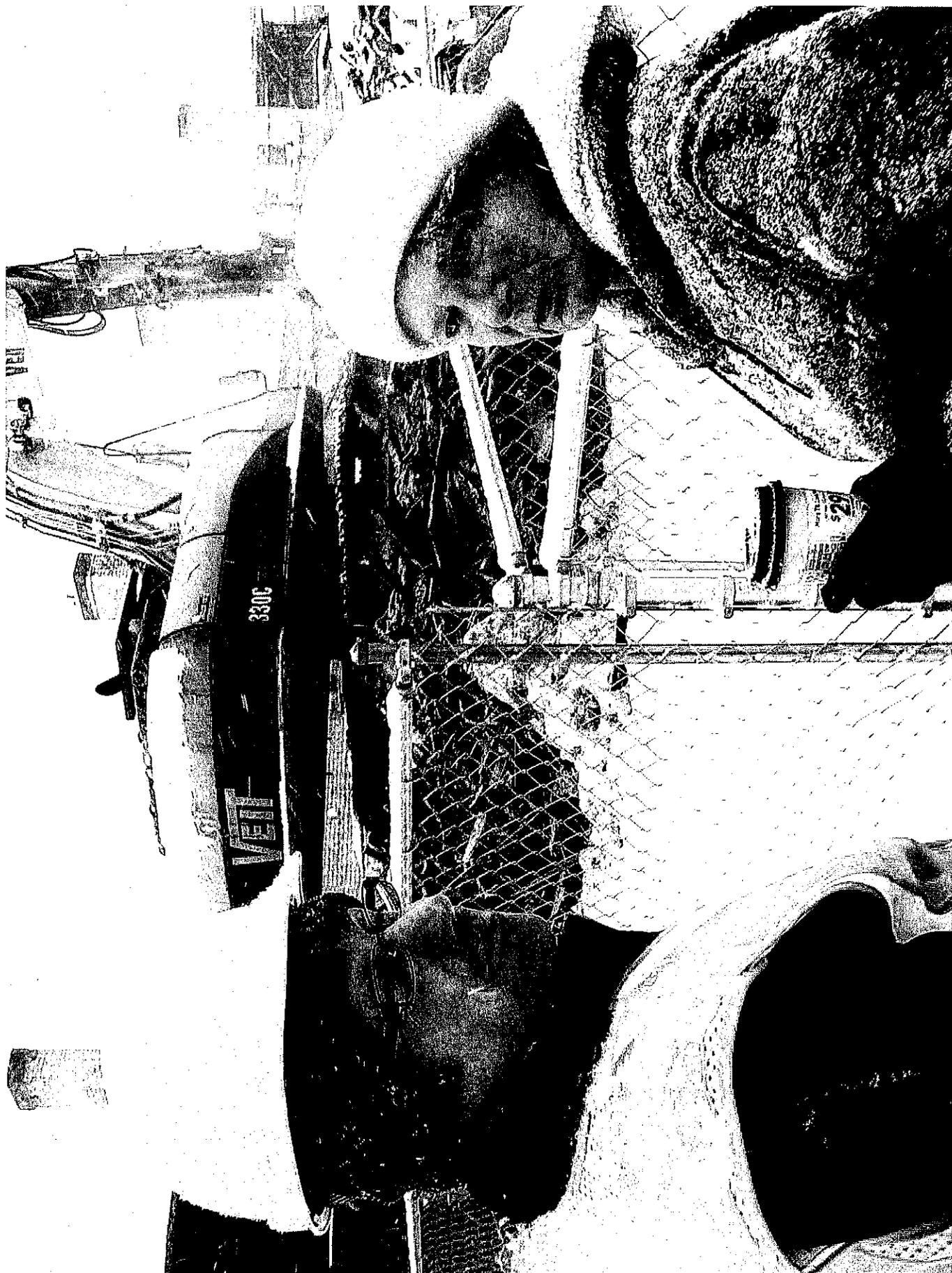
**Attachment H**  
**CPED Photographs of 3009 Park Avenue**  
**Salvage and Debris Removal Taken**  
**February 9, 2010**

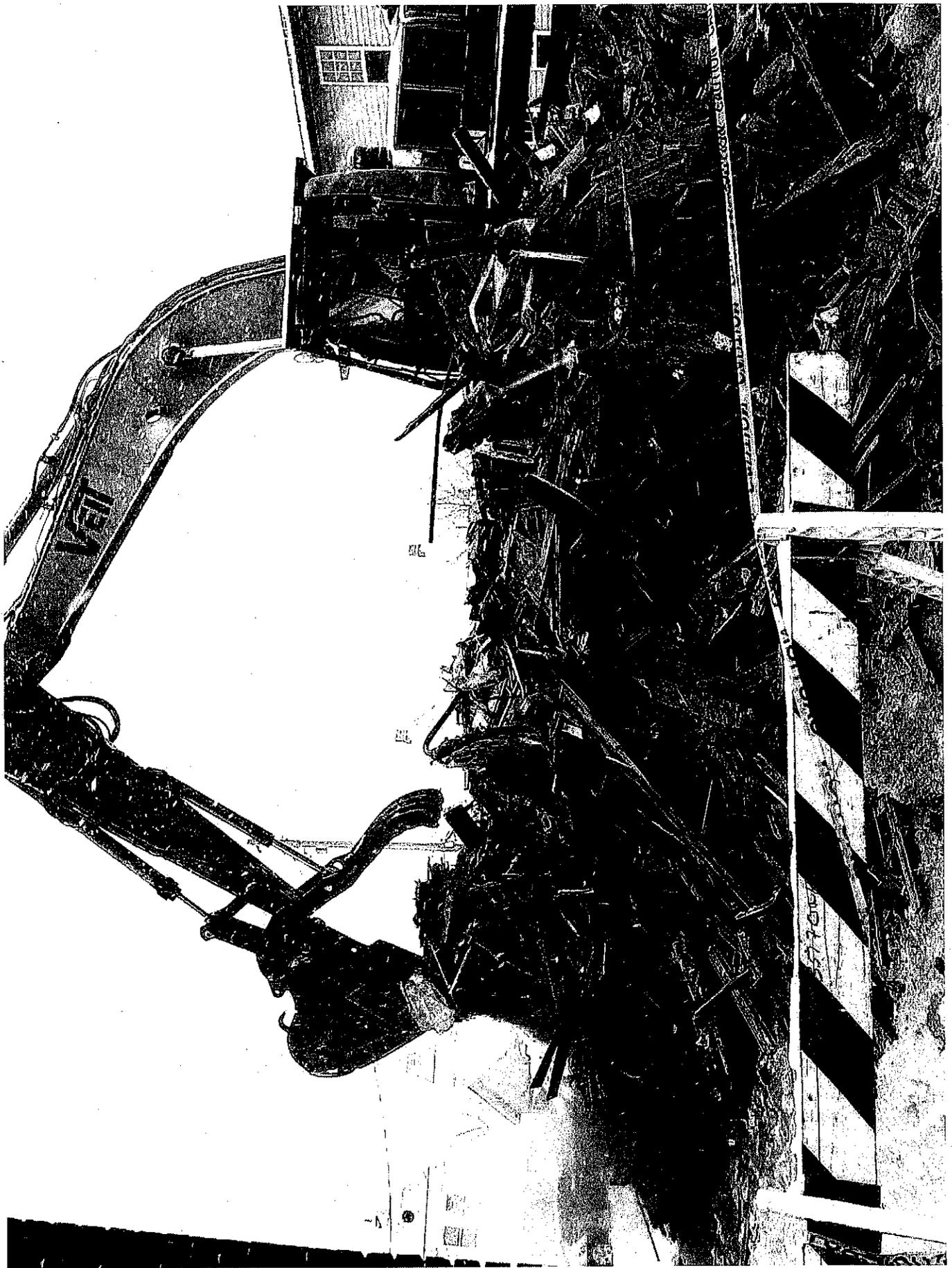


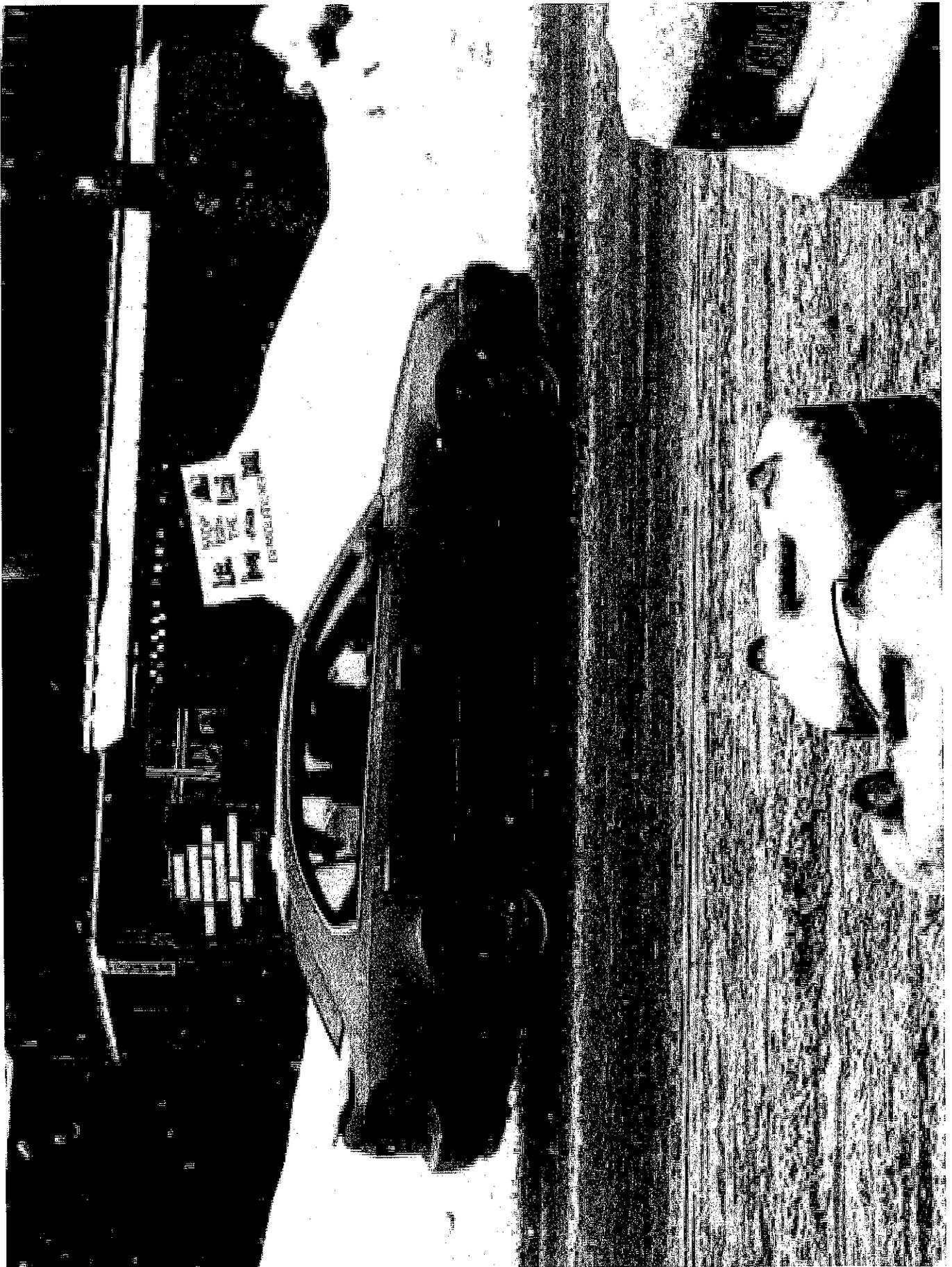






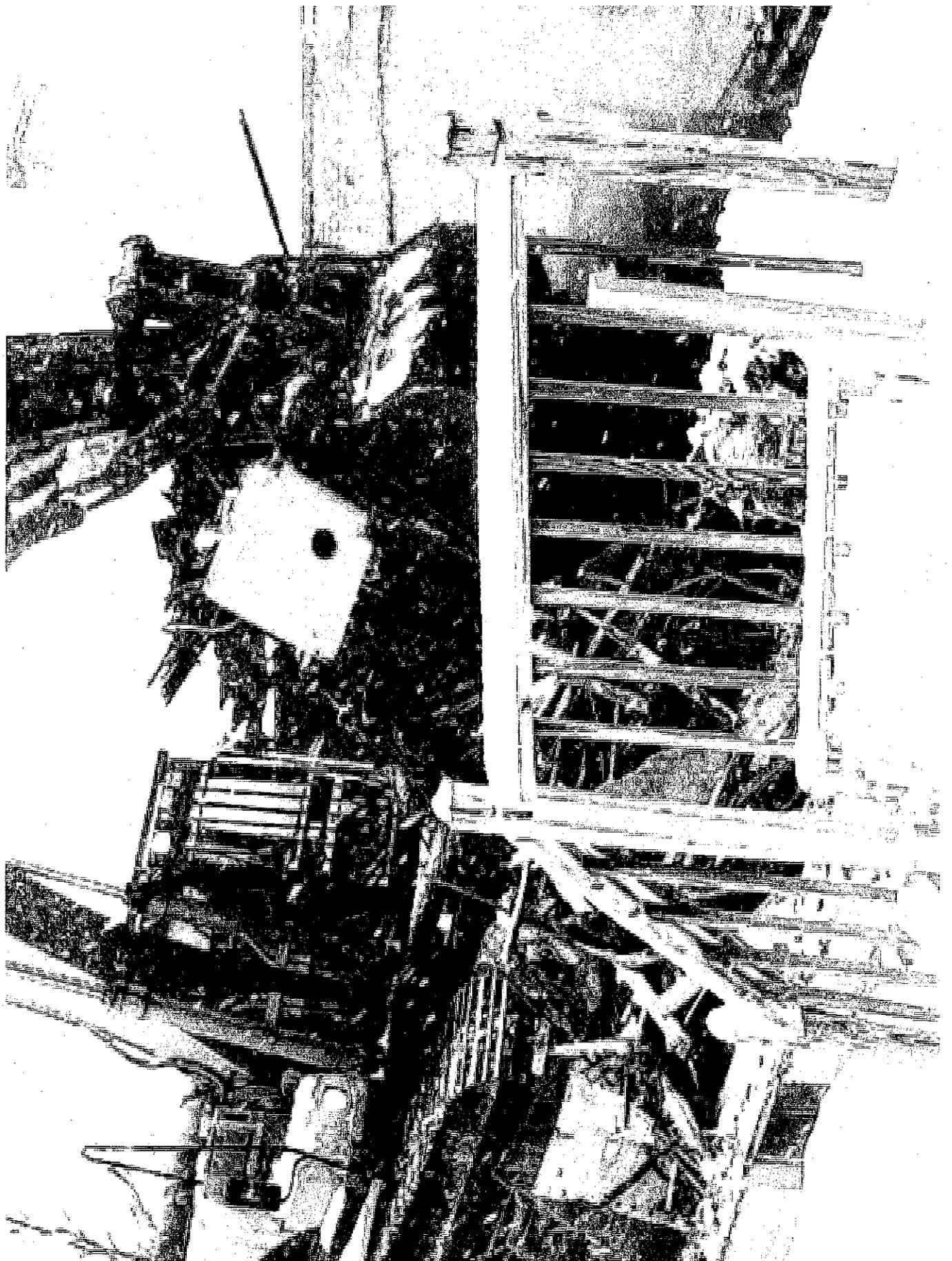


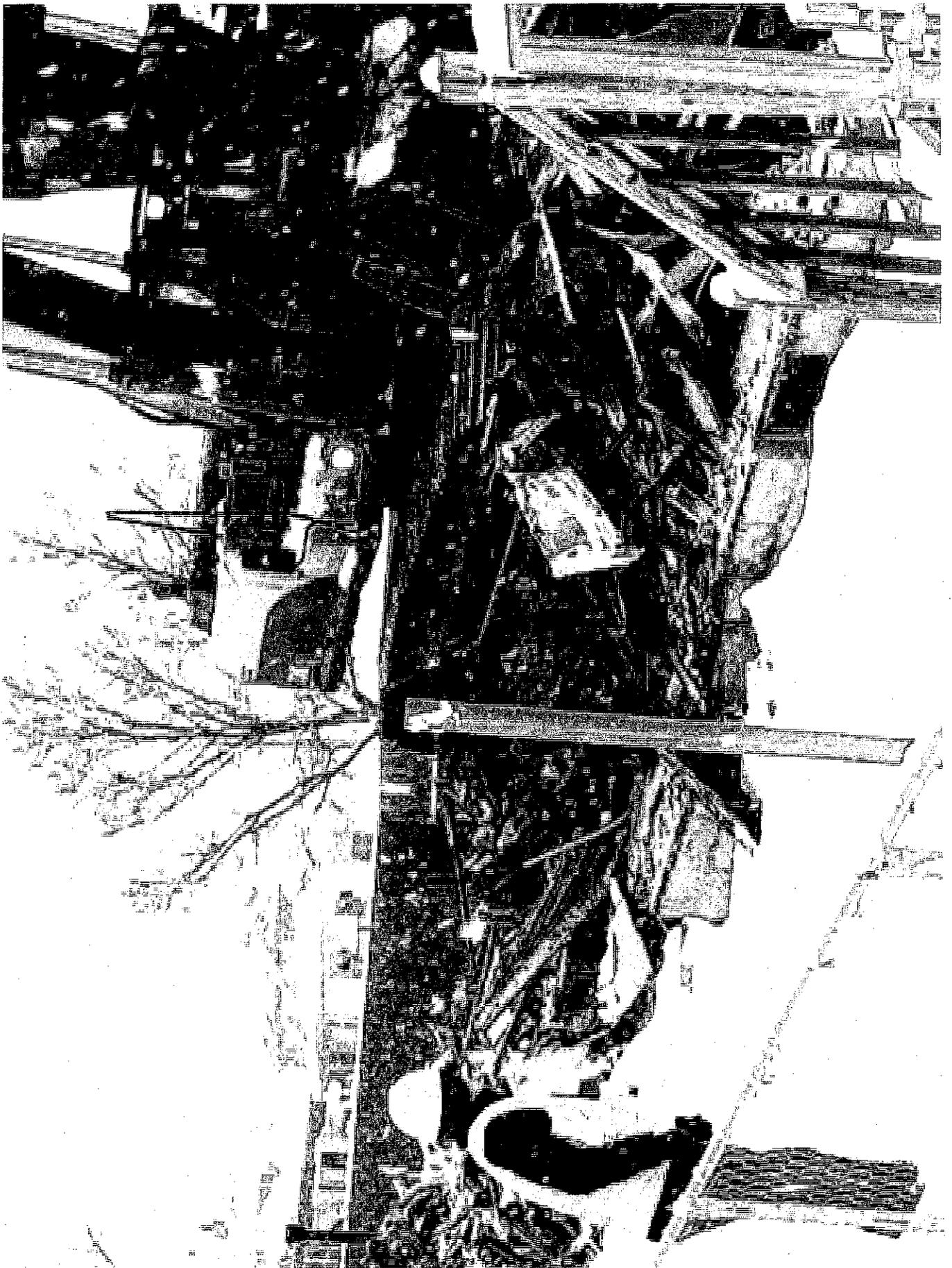














CAUTION CAUTION CAUTION CAUTION CAUTION

## **Attachment I**

**E-Mail Correspondence from the ReUse  
Center and the Hennepin History Museum  
Regarding Salvage of Items at 3009 Park  
Avenue**

**Smoley, John**

---

**From:** Jada Hansen [jada.hansen@hennepinhistory.org]  
**Sent:** Monday, December 28, 2009 10:57 PM  
**To:** Hanauer, Aaron M.  
**Cc:** jack.kabrud@hennepinhistory.org  
**Subject:** RE: postential salvage: 3009 Park Avenue

Hi Aaron,

I am copying Jack Kabrud onto this message as well since he is the one that handles matters with the artifacts. Yes, we would very much like to have the trunk from the Fjelde house-thank you for checking with me.

-Jada

Jada K. Hansen  
 Executive Director  
 Hennepin History Museum  
 2303 Third Avenue South  
 Minneapolis, MN  
 55404  
 (612) 870-1329

*Come and see what big things we're doing.*

---

**Subject:** RE: postential salvage: 3009 Park Avenue  
**Date:** Mon, 28 Dec 2009 09:58:29 -0600  
**From:** Aaron.Hanauer@ci.minneapolis.mn.us  
**To:** avaal@greeninstitute.org; jada.hansen@hennepinhistory.org  
**CC:** John.Smoley@ci.minneapolis.mn.us; aboxwell@greeninstitute.org

Thanks, Agatha!

I will know more in the upcoming days about our course of action and the items possibly available for salvage. I emailed you to see if it was even a possibility. We greatly appreciate your willingness to potentially help us out. I will keep you posted.

Regards,

Aaron Hanauer, Senior City Planner  
 CPED--Planning Division--Preservation and Design  
 (612) 673-2494

---

**From:** Agatha Vaaler [mailto:avaaler@greeninstitute.org]  
**Sent:** Monday, December 28, 2009 9:50 AM  
**To:** Agatha Vaaler; Hanauer, Aaron M.; jada.hansen@hennepinhistory.org  
**Cc:** Smoley, John; Anthony Boxwell  
**Subject:** RE: postential salvage: 3009 Park Avenue

Agatha Vaaler  
Green Institute

Suite 110  
2801 21st Avenue South  
Minneapolis, Minnesota 55407  
[avaaler@greeninstitute.org](mailto:avaaler@greeninstitute.org)  
612.278.7142 office  
612.423.3853 mobile  
612.278.7101 fax

---

**From:** Agatha Vaaler  
**Sent:** Monday, December 28, 2009 9:49 AM  
**To:** 'Hanauer, Aaron M.'; [jada.hansen@hennepinhistory.org](mailto:jada.hansen@hennepinhistory.org)  
**Cc:** Smoley, John  
**Subject:** RE: postential salvage: 3009 Park Avenue

Depending on their condition, we'll accept them. Can you describe the items? I'm cc'ing our pick up guy and he can follow up with you. Thanks, Agatha

Agatha Vaaler  
Green Institute

Suite 110  
2801 21st Avenue South  
Minneapolis, Minnesota 55407  
[avaaler@greeninstitute.org](mailto:avaaler@greeninstitute.org)  
612.278.7142 office  
612.423.3853 mobile  
612.278.7101 fax

---

**From:** Hanauer, Aaron M. [<mailto:Aaron.Hanauer@ci.minneapolis.mn.us>]  
**Sent:** Monday, December 28, 2009 9:42 AM  
**To:** [jada.hansen@hennepinhistory.org](mailto:jada.hansen@hennepinhistory.org); Agatha Vaaler  
**Cc:** Smoley, John  
**Subject:** postential salvage: 3009 Park Avenue

Jada and Agatha,

You likely saw or read that the house at 3009 Park Avenue South was demolished last Thursday  
<http://www.startribune.com/local/80091347.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:Yyc:aULPQL7PQLanchO7DiUsT>. The debris from this house is still on the site. There maybe a few historical items that could be salvaged from this place such as a trunk and flooring (see attached email). If the possibility arises, would the Hennepin History Museum be willing to take possession of the trunk and the Green Institute of architectural elements that are in ok shape? I am still waiting to hear from City of Minneapolis colleagues if they can help retrieve these items.

Aaron Hanauer, Senior City Planner  
CPED--Planning Division--Preservation and Design  
(612) 673-2494

Don't wait. The time is now... *Adopt-a-Picket!* Details at <http://www.friendsofthecemetery.org/fence/fence.shtml>:

---

Check the weather nationwide with MSN Search [Try it now!](#)

2/22/2010

I2

---

**From:** Anthony Boxwell [mailto:[aboxwell@greeninstitute.org](mailto:aboxwell@greeninstitute.org)]  
**Sent:** Thursday, January 07, 2010 10:05 AM  
**To:** Hanauer, Aaron M.  
**Subject:** 3009 Park Avenue

Good Morning Aaron,

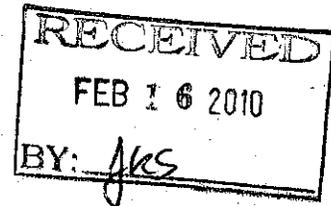
Hope this e-mail finds you well on a snowy Minnesota morning. I just wanted to touch base with you about the 3009 Park Ave. Unfortunately there isn't much we could do with the materials that are over there. However, I think that the meeting that we have planned for next Thursday will be a great opportunity us to explain how we can salvage materials from future jobs for you guys.

Thanks again for your time, I look forward to meeting you next Thursday.

Anthony "Tony" Boxwell  
The Green Institute  
**ReUse Center**  
**Procurement Manager**  
E-mail: [aboxwell@greeninstitute.org](mailto:aboxwell@greeninstitute.org)  
Web: [www.thereusecenter.com](http://www.thereusecenter.com)  
Phone: 612.281.9844  
Fax: 612.278.7101

**Attachment J**  
**State Historic Preservation Officer Review**  
**Letter**

February 10, 2010



Mr. Chad Larsen, Chair  
Minneapolis Heritage Preservation Commission  
100 3<sup>rd</sup> Avenue South #2706  
Minneapolis MN 55401

RE: Local designation of the Pauline Fjelde House, 3009 Park Avenue, MHS Referral No. 2010-1688

Thank you for the opportunity to comment on the above referenced designation. It has been reviewed pursuant to Minnesota Statutes §471.193, subd. 6., and Section 599.210 of the City of Minneapolis Code of Ordinances.

The Pauline Fjelde House was built in 1907 and occupied by Pauline Fjelde from 1907 to 1920 when she sold the property. The house was severely damaged by a fire on September 29, 2009 and subsequently razed on December 24, 2009. As a result of the demolition, there is no longer an extant historic resource and therefore the property is not eligible for local designation.

If you have any questions regarding our assessment of this property, please contact this office.

Sincerely,



Britta L. Bloomberg  
Deputy State Historic Preservation Officer

cc: Jack Byers, Brian Schaffer and John Smoley, City of Minneapolis  
Daniel L. M. Kennedy, Kennedy Law Group

**Attachment K**  
**Correspondence from Applicant's Legal  
Counsel**

## Smoley, John

---

**From:** Dan Kennedy [dan@lakestreetlaw.com]  
**Sent:** Monday, February 08, 2010 10:01 AM  
**To:** Byers, Jack P.; Reimer, Henry T.; Fussy, Joel M.; Wolf, Lee A.; Smoley, John; Higgins, Patrick J.; Olson, Allan D.; Wilson, Grant J.; Deegan, Thomas M.; Hanauer, Aaron M.  
**Cc:** Hofstede, Diane T.; Lilligren, Robert W.; Goodman, Lisa R.; Samuels, Don H.; Johnson, Barbara A.; Schiff, Gary; Colvin Roy, Sandra K.; Glidden, Elizabeth A.; Hodges, Betsy A.; Gordon, Cam A.; Reich, Kevin A.; Tuthill, Meg M.; Quincy, John  
**Subject:** 3009 Park Av issue brought to an end  
**Attachments:** Report to SHPO.pdf



Report to  
SHPO.pdf (1 MB)

Greetings to all,

I am writing this e-mail to sum up the conclusion of the investigation of 3009 Park Avenue as a potential historic site and, according to some, holder of artifacts from its first owner, Pauline Fjelde. Because this issue has been in the Star Tribune multiple times and has appeared before the City Council, I am copying the Council members.

Aaron Hanauer and Jack Byers from the City's preservation and design staff attended the salvage operation this morning at 7:30 to see if there were any historic artifacts in the rubble, which the City's inspections division demolished in December 2009. At the City's expense, all of the rubble from this former 5-plex was picked up by contractors from Veit and placed into smaller piles so that Mr. Hanauer could see what was in it and sift through it if he wished. A staff member from inspections also came for a short while to observe. I spoke with Jack Byers and an observer brought by the City named Sue Hunter Weir, and at that point no item of any significance had been located. I informed them that the property owner James Schoffman and I were observing from a van parked directly across Park Avenue from the site and asked that they notify us if something interesting were to be found.

At about 9:30, Aaron Hanauer drove away in the van into which we suspected items would be placed if anything significant was found. Jack Byers also left, but neither gentleman told Mr. Schoffman or me where they were going, whether they would return, or whether they had pulled anything from the rubble. Mr. Schoffman and I continued to observe the Veit workers moving rubble until we were informed by a worker that he had been told that the City staff had ended its inspection of the rubble without finding anything, and would not be returning.

At this point, it is clear that there is nothing historically significant at 3009 Park and that those who insisted that the City should extend interim protection and spend thousands of taxpayer dollars to sort through the rubble were mistaken.

I think we can agree that the involvement of the City's preservation and design staff with this site can now come to an end. The building is gone, there is nothing remaining that is worthy of preservation, and the site itself is not historic. The City's report to SHPO (relevant pages attached) specifically notes that the site is not contributing and is not eligible for designation. Neither Mr. Schoffman nor I have yet been told what the BZH 25815 application placed by staff on the 2/16/10 HPC agenda was, but I expect that it will now be withdrawn from that agenda.

This will conclude the controversial issue of 3009 Park Avenue. If the City wishes to honor the two embroiderers of Amelia Hyde Center's prize-winning design for the Minnesota flag, it may wish to study the designation of the home where both Pauline and Thomane Fjelde lived and in which they embroidered the flag in 1893 (627 1/2 5th St. NE, Ward 1). Or Pauline Fjelde's well-preserved house (4715 15th Ave. S., Ward 11) where she, Thomane, and a Native American woman from White Earth wove the tapestry depicting Hiawatha.

Regards,

Dan Kennedy

Daniel L. M. Kennedy, J.D., M.B.A.  
Kennedy Law Group, PLLC  
4103 East Lake Street  
Minneapolis, MN 55406  
(612) 728-8080  
[www.lakestreetlaw.com](http://www.lakestreetlaw.com)

## Smoley, John

---

**From:** Dan Kennedy [dan@lakestreetlaw.com]  
**Sent:** Monday, February 08, 2010 10:01 AM  
**To:** Byers, Jack P.; Reimer, Henry T.; Fussy, Joel M.; Wolf, Lee A.; Smoley, John; Higgins, Patrick J.; Olson, Allan D.; Wilson, Grant J.; Deegan, Thomas M.; Hanauer, Aaron M.  
**Cc:** Hofstede, Diane T.; Lilligren, Robert W.; Goodman, Lisa R.; Samuels, Don H.; Johnson, Barbara A.; Schiff, Gary; Colvin Roy, Sandra K.; Glidden, Elizabeth A.; Hodges, Betsy A.; Gordon, Cam A.; Reich, Kevin A.; Tuthill, Meg M.; Quincy, John  
**Subject:** 3009 Park Av issue brought to an end  
**Attachments:** Report to SHPO.pdf



Report to  
SHPO.pdf (1 MB)

Greetings to all,

I am writing this e-mail to sum up the conclusion of the investigation of 3009 Park Avenue as a potential historic site and, according to some, holder of artifacts from its first owner, Pauline Fjelde. Because this issue has been in the Star Tribune multiple times and has appeared before the City Council, I am copying the Council members.

Aaron Hanauer and Jack Byers from the City's preservation and design staff attended the salvage operation this morning at 7:30 to see if there were any historic artifacts in the rubble, which the City's inspections division demolished in December 2009. At the City's expense, all of the rubble from this former 5-plex was picked up by contractors from Veit and placed into smaller piles so that Mr. Hanauer could see what was in it and sift through it if he wished. A staff member from inspections also came for a short while to observe. I spoke with Jack Byers and an observer brought by the City named Sue Hunter Weir, and at that point no item of any significance had been located. I informed them that the property owner James Schoffman and I were observing from a van parked directly across Park Avenue from the site and asked that they notify us if something interesting were to be found.

At about 9:30, Aaron Hanauer drove away in the van into which we suspected items would be placed if anything significant was found. Jack Byers also left, but neither gentleman told Mr. Schoffman or me where they were going, whether they would return, or whether they had pulled anything from the rubble. Mr. Schoffman and I continued to observe the Veit workers moving rubble until we were informed by a worker that he had been told that the City staff had ended its inspection of the rubble without finding anything, and would not be returning.

At this point, it is clear that there is nothing historically significant at 3009 Park and that those who insisted that the City should extend interim protection and spend thousands of taxpayer dollars to sort through the rubble were mistaken.

I think we can agree that the involvement of the City's preservation and design staff with this site can now come to an end. The building is gone, there is nothing remaining that is worthy of preservation, and the site itself is not historic. The City's report to SHPO (relevant pages attached) specifically notes that the site is not contributing and is not eligible for designation. Neither Mr. Schoffman nor I have yet been told what the BZH 25815 application placed by staff on the 2/16/10 HPC agenda was, but I expect that it will now be withdrawn from that agenda.

This will conclude the controversial issue of 3009 Park Avenue. If the City wishes to honor the two embroiderers of Amelia Hyde Center's prize-winning design for the Minnesota flag, it may wish to study the designation of the home where both Pauline and Thomane Fjelde lived and in which they embroidered the flag in 1893 (627 1/2 5th St. NE, Ward 1). Or Pauline Fjelde's well-preserved house (4715 15th Ave. S., Ward 11) where she, Thomane, and a Native American woman from White Earth wove the tapestry depicting Hiawatha.

Regards,

Dan Kennedy

Daniel L. M. Kennedy, J.D., M.B.A.  
Kennedy Law Group, PLLC  
4103 East Lake Street  
Minneapolis, MN 55406  
(612) 728-8080  
[www.lakestreetlaw.com](http://www.lakestreetlaw.com)

## Smoley, John

---

**From:** Dan Kennedy [dan@lakestreetlaw.com]  
**Sent:** Monday, February 08, 2010 7:18 AM  
**To:** Reimer, Henry T.; Fussy, Joel M.; Wolf, Lee A.; Smoley, John; Byers, Jack P.; Higgins, Patrick J.; Olson, Allan D.; Wilson, Grant J.; Deegan, Thomas M.; jkbs2004@comcast.net  
**Cc:** Glidden, Elizabeth A.  
**Subject:** 3009 Park Av salvage

It appears that the salvage/demolition procedure is going forward this morning. Mr. Schoffman and I will be there as observers, but do not authorize the procedure until we know that our plan as laid out in my letter to Mr. Reimer of 2/5/10 is agreed to. That includes having John Smoley be the city's representative, since no other has been agreed to.

I will not have e-mail access at the site, but you can call me on my cell phone at 612-819-0841.

Daniel L. M. Kennedy, J.D., M.B.A.  
Kennedy Law Group, PLLC  
4103 East Lake Street  
Minneapolis, MN 55406  
(612) 728-8080  
www.lakestreetlaw.com

## Smoley, John

---

**From:** Dan Kennedy [dan@lakestreetlaw.com]  
**Sent:** Friday, February 05, 2010 1:34 PM  
**To:** Reimer, Henry T.; Dan Kennedy; Fussy, Joel M.; Wolf, Lee A.; Smoley, John; Byers, Jack P.; Higgins, Patrick J.; Olson, Allan D.; Wilson, Grant J.; Deegan, Thomas M.  
**Cc:** Glidden, Elizabeth A.  
**Subject:** 3009 Park Av salvage will not take place 2/8/10

**Attachments:** Reimer L100205.pdf



Reimer  
.00205.pdf (78 KI)

Please see the attached letter to Henry Reimer. We have not yet reached agreement on a plan for the demolition / salvage operation at 3009 Park Avenue, and so it will not take place on February 8, 2010.

Regards,

Dan Kennedy

Daniel L. M. Kennedy, J.D., M.B.A.  
Kennedy Law Group, PLLC  
4103 East Lake Street  
Minneapolis, MN 55406  
(612) 728-8080  
www.lakestreetlaw.com

KENNEDY LAW GROUP, PLLC

DANIEL L. M. KENNEDY, J.D., M.B.A.  
dan@lakestreetlaw.com

4103 EAST LAKE STREET  
MINNEAPOLIS, MN 55406  
PHONE: (612) 728-8080  
FAX: (612) 728-8055

---

By e-mail only

February 5, 2010

Henry Reimer  
Director of Inspections  
City of Minneapolis  
Minneapolis, MN 55415

Re: 3009 Park Avenue South, Minneapolis, MN

Dear Mr. Reimer,

I am writing this to respond to your e-mails of February 3 and 4.

At the HPC meeting on December 29, 2009, several commissioners stated the need to work with the property owner if the City wanted to look among the rubble of 3009 Park. I stated at that hearing that no plan had been put forward. After waiting more than a week without receiving a plan, on January 6 in a letter to John Smoley I set forth the outline of what an acceptable plan would include, and asked for a reply by January 15. I received no reply until your counterproposal on January 21, 2010, and responded with my own counterproposal the following day, asking for a response by January 25. I received nothing until your e-mail of February 3.

My point in reciting these dates is that James Schoffman has been proactive and expeditious in communicating and responding to proposals, while the City has not. My purpose is not to assign blame, but to set the context for your surprising e-mail of February 3, stating that the salvage was going forward this coming Monday, as if everything had been agreed. But the plan you set forth in that e-mail is materially different from what I described on January 22. Below I lay out a proposal that Mr. Schoffman will agree to, while showing in the interspersed Notes why the plan you laid out does not satisfy these requirements.

1. Since Veit began this process and already applied for a permit, the City will complete the demolition under Veit's same permit.
2. Veit will control the site during the salvage and demolition operations. The individuals on site will be Veit employees, John Smoley, and James Schoffman. They will wear adequate protective gear provided by the City, including safety helmets, safety vests or jackets, and boots. Henry Reimer and Dan Kennedy may

be in the garage, which shall serve as a place to collect and sort items of potential interest to the City. All other individuals will be excluded.

• Note: John Smoley notified my client yesterday that he has been instructed by his superiors not to have any further contact with Mr. Schoffman. This is an unfortunate blow both to the prospects of agreement on salvage operations and to the HPC process overall. Dr. Smoley was viewed as a forthright employee who would be a good contact person for this operation. Finding a replacement in the Preservation and Design unit would be difficult. Until we agree on a replacement, I will just refer to this role as the City's representative.

• Note: Your e-mail indicates that members of the public may be allowed onto the site. I think my prior letter was clear that that is not acceptable. Mr. Schoffman and the City's representative will be on site, along with Veit employees. You and I can stand in the garage to discuss any items that the City's representative wants to salvage, if Mr. Schoffman wants me to be present.

3. The City will conduct its salvage operation at interspersed intervals while the demolition operation is proceeding. The City will pay for four hours of Veit's costs (including without limitation labor, equipment, materials). If the City's salvage operation causes the demolition to extend the number of days that the demolition lasts and there is a cost associated with that extension, the City will pay that cost. The salvage operation shall not exceed four hours in duration. The property owner's sole responsibility for the completion of the demolition process will be the cost of Veit's work that would have been incurred if the City had no involvement in the demolition, which cost the City will assess to the property owner except as modified below.

• Note: Your plan for interspersing up to four hours of salvage operations among the demolition/removal is acceptable if the City pays for four full hours of salvage; otherwise, I don't see how it would be possible to keep track of the degree to which salvage slows down the demolition.

4. Any items salvaged will become the property of the City and will be removed the same day from the property, with the cost of removal and storage to be paid by the City's Preservation and Design unit. There will be no warranty of any kind from and no liability to the property owner relating to those items. The cost of the demolition assessed to the property owner will be reduced by the value of items taken by the City. If there is disagreement over the value of the items, ownership of the items will remain with the property owner, who will take possession of the items at the site.

• Note: We're mostly in agreement here, and I modified my language to reflect some of yours. Your language about the City receiving items for which you and Mr. Schoffman agree on valuation omits my language about the property passing without warranty of any kind from or liability to my client.

- 
5. The City will assume liability for all injuries occurring during the time the City is on site. The City will defend and hold harmless the property owner from any claims or lawsuits from any injury obtained during the salvage and demolition operations. It is understood that salvage and demolition operations are inherently dangerous activities.

• Note: Your language regarding liability does not really address the issue. Denial of liability by one party does not equate to acceptance by another party. There must be a clear statement by someone in the City with authority to make such a statement that the City will assume liability for any injuries suffered by anyone during the time that the City is on the site and will indemnify and hold harmless the property owner from all claims related to injuries. Without those statements, the operation cannot take place.

Given that we do not yet have agreement, you should inform Veit that the operation will not take place on February 8.

A further complication has arisen that must be addressed before we proceed. Mr. Schoffman received some materials relating to a BZH application that he did not file. That is why he called Dr. Smoley yesterday to inquire, but Dr. Smoley stated that he could give no information. It would not be prudent, and my client will not agree, to proceed with a salvage operation while an application is pending on my client's property about which he has no information.

Since we do not have an agreement, I ask that the City reverse its refusal to grant my client a demolition permit to proceed independently with the demolition. As I have stated previously, this site presents a hazard to the community and should be mitigated immediately through removal of the debris. A demolition permit will permit my client to mitigate the hazard. Please contact me (or Dr. Byers or Dr. Smoley can contact me) to notify me if the Preservation and Design staff will remove its block on the issuance of a permit.

Sincerely,

Daniel L. M. Kennedy

cc: James Schoffman  
John Smoley  
Jack Byers  
Patrick Higgins  
Allan Olson

Grant Wilson  
Tom Deegan  
Joel Fussy  
Lee Wolf  
Elizabeth Glidden

K9

KENNEDY LAW GROUP, PLLC

DANIEL L. M. KENNEDY, J.D., M.B.A.  
dan@lakestreetlaw.com

4103 EAST LAKE STREET  
MINNEAPOLIS, MN 55406  
PHONE: (612) 728-8080  
FAX: (612) 728-8055

---

By e-mail only

February 4, 2010

John K. Smoley  
Minneapolis Department of Community  
Planning & Economic Development  
250 S. 4<sup>th</sup> St., Room 300  
Minneapolis, MN 55415

Re: 3009 Park Avenue South, Minneapolis, MN

Dear Dr. Smoley,

I am in receipt of your e-mail to James Schoffman of January 29, 2010. Mr. Schoffman reports that you called him Friday to inquire about ways to honor the Fjelde sisters without designating 3009 Park as a landmark, but that you had no proposal for him to consider. Rather than "request[ing] mitigation ideas" as you report in your e-mail, Mr. Schoffman asked that you put together a proposal if you are asking for his agreement. Your e-mail of January 29 contains a wide variety of ideas, but no proposal.

At this point, the type of mitigation that is required at the site is removal of the hazardous condition that the City of Minneapolis is requiring the owner to maintain on the property. This mitigation should be immediate. The City has not come forth with an acceptable plan for salvage of any of the rubble — and City staff seems to agree that there is nothing to salvage, anyway.

As your report to SHPO correctly notes, this is not an historic site. Although your draft report indicates that you felt the house was historic, all that now remains is a garage built in 2001. We can thus agree that nothing at this property is worthy of designation.

The important point of your e-mail is that there are multiple other ways in which Thomane and Pauline Fjelde can be honored. The building where they both lived and likely embroidered the World's Fair state flag (627½ 5<sup>th</sup> St. NE) could be designated a landmark; it is in excellent condition and actually *is* an historic site. The building where they next moved (2436 Elliot Ave. S.) as they built their business and received recognition for the flag is also in good condition. The house where they both lived as their business was more established still stands, although it has been moved from 3008

KTO

---

Park to 2930 Park. Thomane lived in that house until she died. Pauline's final home, where she lived when she worked with Thomane and a Native American woman on the Hiawatha Tapestry, is also in excellent condition. Given these options, it would be surprising if your final report recommended designation for a property that was not an historic site, where Thomane Fjelde never lived, and where no residence exists.

However, the very fact that you are notifying Mr. Schoffman in your e-mail that the HPC will review a designation study for 3009 Park indicates that your department is leaving open the possibility of recommending designation. In fact, you are scheduling it for a hearing before even hearing back from SHPO on your draft study. Moving forward with a hearing without issuing a final report or receiving SHPO's report would signal that any designation efforts have little relation to the proposal's merits but result instead from a desire to block the property's use for parking.

This matter should not appear before the HPC until my client has received your department's final report and SHPO's report and had at least three weeks to respond to it. There is no reason that the HPC needs to move forth without giving the property owner an adequate opportunity to prepare for its meeting. I therefore ask that you remove this item from the February 16, 2010 HPC agenda and set it for a time that is at least three weeks after the two reports are delivered to the property owner. As it happens, Mr. Schoffman will not be in town on February 16 at any rate and could not attend the meeting on that date. I understand that he has already informed you of that fact.

Sincerely,



Daniel L. M. Kennedy

cc: James Schoffman  
Jack Byers  
Tom Deegan  
Henry Reimer  
Patrick Higgins  
Allan Olson  
Barbara Sporlein  
State Historic Preservation Office  
City Council Elizabeth Glidden

KM

KENNEDY LAW GROUP, PLLC

DANIEL L. M. KENNEDY, J.D., M.B.A.  
dan@lakestreetlaw.com

4103 EAST LAKE STREET  
MINNEAPOLIS, MN 55406  
PHONE: (612) 728-8080  
FAX: (612) 728-8055

---

By e-mail only

February 3, 2010

Henry Reimer  
Director of Inspections  
City of Minneapolis  
Minneapolis, MN 55415

Re: 3009 Park Avenue South, Minneapolis, MN

Dear Mr. Reimer,

I received just now your response to my proposal of January 22, 2010. It is not an acceptance of my proposal and contains terms clearly in contradiction to the terms of my proposal. In addition, it fails to address liability in a clear manner.

I will study your proposal and get back to you. I have a meeting at 4:30 today and court in the morning tomorrow, so it may be tomorrow or Friday before I can respond. I do not think you should plan on the operation commencing on February 8.

Because you had not responded to my proposal, my client has begun to evaluate other options, and I will have to have an opportunity to discuss those with him as well.

Sincerely,



Daniel L. M. Kennedy

cc: James Schoffman  
John Smoley  
Jack Byers  
Patrick Higgins  
Allan Olson  
Grant Wilson  
Joel Fussy  
Lee Wolf  
Elizabeth Glidden

RT2

# KENNEDY LAW GROUP, PLLC

DANIEL L. M. KENNEDY, J.D., M.B.A.  
dan@lakestreetlaw.com

4103 EAST LAKE STREET  
MINNEAPOLIS, MN 55406  
PHONE: (612) 728-8080  
FAX: (612) 728-8055

---

By e-mail only

January 22, 2010

Henry Reimer  
Director of Inspections  
City of Minneapolis  
Minneapolis, MN 55415

Re: 3009 Park Avenue South, Minneapolis, MN

Dear Mr. Reimer,

Thank you for your e-mailed proposal yesterday. Your provision of the City's perspective has helped my client to refine the outline for agreement sent out on January 6. Below is an amended outline, which adopts some of your language, combines our language on some items, and retains some items from the outline that your e-mail did not address (e.g., defend and hold harmless). Although it is a reasonable requirement, my client will relinquish a demand for insurance if the City pledges to cover any liabilities. You will note that we are in accord on the issue of disposition of any salvaged items. On the other hand, I added a new sentence (the second one) in point #2 below because I had not imagined that the City may want up to four hours to inspect the rubble, when we agree that it is highly unlikely that anything worthwhile is there.

1. Since Veit began this process and already applied for a permit, the City will complete the demolition under Veit's same permit.
2. Veit will control the site during the salvage and demolition operations. The individuals on site will be Veit employees, John Smoley, and James Schoffman. All others will be excluded.
3. The City will provide an estimate in advance of the hours it will be at the site and will pay the full cost incurred by Veit during the time the City is at the site. If the City's salvage operation causes the demolition to extend the number of days that the demolition lasts and there is a cost associated with that extension, the City will pay that cost. The salvage operation shall not exceed four hours in duration. The property owner's sole responsibility for the completion of the demolition process will be the cost of Veit's work that would have been incurred if the City had no involvement in the demolition,

R13

---

which cost the City will assess to the property owner except as modified below.

4. Any items salvaged will become the property of the City and will be removed the same day from the property. There will be no warranty of any kind from and no liability to the property owner relating to those items. The cost of the demolition assessed to the property owner will be reduced by the value of items taken by the City. If there is disagreement over the value of the items, ownership of the items will remain with the property owner.
5. The City will defend and hold harmless the property owner from any claims or lawsuits from any injury obtained during the salvage and demolition operations. It is understood that salvage and demolition operations are inherently dangerous activities

Please let me know on Monday, January 25, 2009, if these terms are acceptable, and we can schedule a time with Veit.

Sincerely,

Daniel L. M. Kennedy

cc: James Schoffman  
John Smoley  
Jack Byers  
Patrick Higgins  
Tom Deegan  
Allan Olson  
Grant Wilson  
Joel Fussy  
Lee Wolf

KIA

**KENNEDY LAW GROUP, PLLC**

DANIEL L. M. KENNEDY, J.D., M.B.A.  
dan@lakestreetlaw.com

4103 EAST LAKE STREET  
MINNEAPOLIS, MN 55406  
PHONE: (612) 728-8080  
FAX: (612) 728-8055

---

By e-mail and mail

January 6, 2010

Jack Byers, PhD  
Planning Supervisor  
CPED / Planning & Design  
250 S. 4<sup>th</sup> Street, Room 110  
Minneapolis, MN 55415-1385

Re: Request under the Minnesota Government Data Practices Act for data related to 3009 Park Avenue South in Minneapolis, Minnesota

Dear Dr. Byers,

On December 29, 2009, I made an oral request to Dr. John Smoley of your department for a copy of the report that your department sent to the State Historic Preservation Office (SHPO) regarding the property at 3009 Park Avenue in Minneapolis ("3009 Park"). The report was sent to SHPO for comment on or about December 13, 2009. Dr. Smoley responded that your department would not provide a copy of that report, as it was a draft and was not public information. I noted that it was not simply a draft after being sent to SHPO for comment, but my statement did not change his position.

I am writing this letter to make a second request under the Minnesota Government Data Practices Act, Minn. Stat. § 13.01 et seq., for a copy of the report (my verbal request constitutes the first request). I am broadening this request, however, to include the following data:

- the report sent by your department to SHPO pertaining to the property at 3009 Park, including all drafts that were sent;
- all written communications, whether by post, delivery, e-mail, or otherwise, between your department and SHPO since July 1, 2008 pertaining to the property at 3009 Park;
- all e-mails sent or received by Aaron Hanauer, John Smoley, Diana Armstrong, or yourself (all of whom are members of your department) since July 1, 2008 pertaining to the property at 3009 Park.

X15

KENNEDY LAW GROUP, PLLC

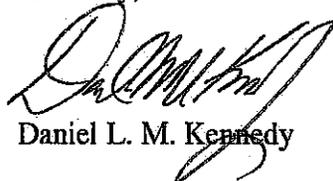
Page 2 of 2

---

I realize it may take several days to gather the e-mails and other communications, but I would like to receive the report immediately without waiting for the gathering of the other data.

If you reject this request for public data, please inform me as soon as possible in writing. Please note, however, that a rejection will make it more difficult and more costly for my client, the property owner of 3009 Park, to respond to the report and interface with SHPO regarding 3009 Park.

Sincerely,



Daniel L. M. Kennedy

copy by e-mail:

Council Member Elizabeth Glidden, Ward 8  
Barbara Sporlein, Planning Director  
James Schoffman, Property owner of 3009 Park

**KENNEDY LAW GROUP, PLLC**

DANIEL L. M. KENNEDY, J.D., M.B.A.  
dan@lakestreetlaw.com

4103 EAST LAKE STREET  
MINNEAPOLIS, MN 55406  
PHONE: (612) 728-8080  
FAX: (612) 728-8055

---

By e-mail only

January 6, 2010

John K. Smoley  
Minneapolis Department of Community  
Planning & Economic Development  
250 S. 4<sup>th</sup> St., Room 300  
Minneapolis, MN 55415

Re: HPC Hearing for 3009 Park Avenue South, Minneapolis, MN

Dear Dr. Smoley,

I am in receipt of your letter of December 31, 2009 to my client, James Schoffman.

As you know, Mr. Schoffman's house at 3009 Park Avenue was razed by the City of Minneapolis on December 24, 2009 as a result of heavy damage from a fire in September 2009. The contractor hired by the City completely demolished the house. What remains now is a pile of rubble. As was stated at the HPC meeting on December 29, 2009, this pile is hazardous due to lead, broken glass, splintered wood, and rusty nails. This hazard must be mitigated. It is bordered on two sides by residences and lacks adequate fencing.

Your letter implies that the rubble may not be disturbed due to the HPC's extension of interim protection. I do not see any justification for that interpretation; what remains is not a structure, but personal property that belongs to my clients. However, the position stated in your letter raises the question of why the debris should not be removed. Nobody in the City, including your department and the HPC at its meeting, has identified any item that might be in the debris that would possibly be worthy of saving. The City has no rational basis to interfere with my client's rights to remove the debris.

If the City wants to preserve the pile of debris, then it must take full responsibility for the negative effects that may result. The City should insure the property for \$2,000,000 aggregate, \$1,000,000 per claim, in case of injury or other liability resulting from the continued existence of the debris at the site, and commit in writing to indemnify and defend the property owner from any claim of liability relating to the condition of the

site. Please provide to me a certificate of insurance and the written commitment immediately upon their availability.

Mr. Schoffman has contacted the City's contractor, Veit Construction, to determine the costs of delay in debris removal if someone is sifting through the debris. Veit's hourly costs are \$168 for backhoe use, \$64 for a backhoe operator, \$90 for a supervisor, \$126 for an idling dump truck. Some of these costs might not apply to all times that debris is being examined. The period during which debris examination takes place would depend on who is doing it, and how long they schedule with Veit.

If the City presents to me a written plan by Friday, January 15, 2010 that includes the following elements, we will permit the City to participate in debris removal on a designated morning during the week of January 19-23:

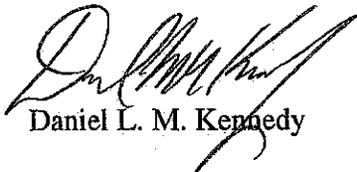
1. John Smoley will be our contact person at the City and will be on site during the debris removal.
2. Only City employees or a contractor hired by the City and approved by my clients will be permitted on the property at 3009 Park, and only during the debris removal or when my clients are accompanying them. If the City wishes to have a contractor other than Veit assist the City in sifting through debris at the site, that City must provide proof in advance that the contractor is licensed, bonded, and insured and the City must pay the entire cost of that contractor's work.
3. The City will place liability insurance on the property for liability with limits of \$2,000,000 aggregate, \$1,000,000 per claim, naming Jakris Ltd. and James and Kristin Schoffman as the insureds. The insurance need only remain in effect until debris removal from the site is completed.
4. The plan will state how many hours the City will participate in the debris removal. The City may not remain on the site and agrees to remove all personnel and equipment from the site after the pre-designated number of hours has expired.
5. The City will guarantee as part of its plan that it will pay the entire cost of the hours that it scheduled directly to Veit toward the cost of debris removal, regardless of how long the City is actually on site. If other costs are incurred due to the City's involvement in debris removal, the City must commit to pay those as well.
6. The City will remove completely from the 3009 Park property all items that the City does not wish to be disposed of by Veit as part of the demolition and will hold those items in trust for my clients. My clients will be permitted to inspect the property within two weeks of the demolition. Any items that my clients do not want will then become the property of the City, with no warranty of any kind from nor liability to my clients.

- 
7. The City will state in writing that my client's sole responsibility for the completion of the demolition process will be the cost of Veit's work that would have been incurred if the City had no involvement in the demolition. The City must further state that it will indemnify and hold harmless my clients for any liability resulting from the condition of the property taken by the City or from the removal of the debris, excepting the cost from Veit that my clients would have borne for the physical removal if the City had not participated in the removal of the debris.
  8. The City shall issue upon application all permits necessary and permit the work for the completion of the demolition of the house, including removal of the debris.

If you would like to walk the perimeter of the site with Mr. Schoffman or me next week purely to observe the state of the site and evaluate whether the City wishes to participate in debris removal, please contact me to make arrangements.

If the City chooses not to participate in debris removal, I will expect that CPED (including your department) will issue upon application all permits necessary and permit the work for the completion of the demolition of the house, including removal of the debris, without further delay.

Sincerely,



Daniel L. M. Kennedy

cc: James Schoffman  
Jack Byers  
Tom Deegan  
Henry Reimer  
Patrick Higgins  
Allan Olson  
Barbara Sporlein  
State Historic Preservation Office  
City Council members

## Smoley, John

---

**From:** Dan Kennedy [dan@lakestreetlaw.com]  
**Sent:** Monday, December 28, 2009 4:53 PM  
**To:** Smoley, John  
**Subject:** 3009 Park Ave., Minneapolis

Hello John,

I left a message for you just a little bit ago, asking if the staff recommendation will be changed in light of the demolition of the structure. Please let me know.

Dan

Daniel L. M. Kennedy, J.D., M.B.A.  
Kennedy Law Group, PLLC  
4103 East Lake Street  
Minneapolis, MN 55406  
(612) 728-8080  
www.lakestreetlaw.com

**From:** "Smoley, John" <John.Smoley@ci.minneapolis.mn.us>  
**Date:** 12/28/09 22:44**Subject:** RE: 3009 Park Ave., Minneapolis

Mr. Kennedy,

Thanks for your letter. I understand you won't be at tomorrow night's meeting, but I will ensure the HPC receives this.

John

John Smoley, Ph.D.  
City of Minneapolis  
Preservation and Design Team  
250 South 4th Street, Room 300  
Minneapolis, MN 55415  
612-673-2830  
john.smoley@ci.minneapolis.mn.us

Don't wait. The time is now... Adopt-a-Picket! Details at  
<http://www.friendsofthecemetery.org/fence/fence.shtml>

-----Original Message-----

**From:** Dan Kennedy [mailto:dan@lakestreetlaw.com]  
**Sent:** Wednesday, December 23, 2009 9:17 PM  
**To:** Smoley, John  
**Subject:** 3009 Park Ave., Minneapolis

Enclosed please find the following:

Letter to John Smoley, Minneapolis CPED  
Structural engineer (HavTek) report on 3009 Park Ave. in Minneapolis  
3 Photographs of 3009 Park Ave. taken December 23, 2009

Please contact me with any questions.

Regards,

Daniel L. M. Kennedy, J.D., M.B.A.  
Kennedy Law Group, PLLC  
4103 East Lake Street  
Minneapolis, MN 55406  
(612) 728-8080  
[www.lakestreetlaw.com](http://www.lakestreetlaw.com)

KENNEDY LAW GROUP, PLLC

DANIEL L. M. KENNEDY, J.D., M.B.A.  
dan@lakestreetlaw.com

4103 EAST LAKE STREET  
MINNEAPOLIS, MN 55406  
PHONE: (612) 728-8080  
FAX: (612) 728-8055

---

By e-mail only

December 23, 2009

John K. Smoley  
Minneapolis Department of Community  
Planning & Economic Development  
250 S. 4<sup>th</sup> St., Room 300  
Minneapolis, MN 55415

Re: HPC Hearing for 3009 Park Avenue South, Minneapolis, MN

Dear Mr. Smoley,

As you know, I represent James J. Schoffman, the owner of the property at 3009 Park Avenue South in Minneapolis. I note that the HPC agenda for December 29, 2009 has an item described as "Extension of Interim Protection to allow for the completion of a designation study." Your online staff report (which does not include the attachments) recommends extension of interim protection until June 13, 2010.

The staff report also states that "The State Historic Preservation Officer was sent a draft of the proposed designation pursuant to the requirements of state law and section 599.250 of the city's Heritage Preservation Regulations, which permits sixty days for this review. The State Historic Preservation Officer is expected to comment on the proposed designation by February 15, 2010." If I understand this correctly, your office authored a recommendation and sent it to SHPO, which received it on December 17, 2009. I would like an explanation as to why your office did not send a copy of your recommendation to the affected property owner, or even notify him that a recommendation had been issued. Mr. Schoffman and I met with you and Jack Byers when you commenced your study and you and Dr. Byers stated that you would provide a copy of your study to us. This complete lack of transparency is a continuation of the pattern established when the city identified this and many other properties as "potentially historic" without notifying the affected property owner or even making public the list of affected properties. Your office's decision not to notify Mr. Schoffman of the recommendation to SHPO effectively shortens his time to interface with SHPO before it responds to your recommendation. I ask that you send your full recommendation to me at once, together with anything else you sent to SHPO relating to this property.

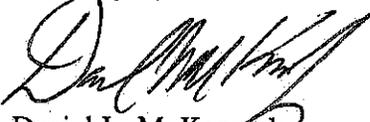
K22

pipes, severe water damage, and a derelict condition. It was thus suitable for demolition when Mr. Schoffman acquired it. Now the fire has destroyed the building's structural integrity. It cannot economically be saved, but it is also a nuisance that presents a danger to the community. Its imminent collapse could be a tragedy for its neighbors and any people in the vicinity.

On December 29, 2009, the Heritage Preservation Commission should discontinue the interim protection and vote to grant the demolition permit. Continuation of a moot debate over Pauline Fjelde's work and legacy only postpones a decision that could come too late to prevent severe consequences. Because the building is no longer insurable, the City of Minneapolis must accept responsibility for any collapse that occurs if no demolition permit is granted.

This letter represents Mr. Schoffman's position on the matter before the HPC. Because neither he nor I will be appearing at the meeting on December 29, 2009, please ensure that this letter is distributed to all members of the HPC before the meeting.

Sincerely,



Daniel L. M. Kennedy

enclosures: HavTek report, with photos  
3 Photographs taken December 23, 2009

cc: James Schoffman  
Jack Byers  
Diana Armstrong  
Tom Deegan  
Grant Wilson  
Al Olson  
State Historic Preservation Office  
Members of the City Council  
Minnesota Dep't of Labor & Industry, Occupational Safety & Health Division



X-24



