



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Meeting Minutes - Action Only

### Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8585*

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Tuesday, February 6, 2018

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Special Tax Assessments (VB, B, C)

- 1     [RLH TA 18-14](#)     Ratifying the Appealed Special Tax Assessment for property at 925 COOK AVENUE EAST. (File No. J1801B1, Assessment No. 188106) (Legislative Hearing on February 6, 2018)

Sponsors:     Bostrom

*Approve; no show.*

**Referred to the City Council due back on 2/7/2018**
- 2     **RLH TA 18-74**     Ratifying the Appealed Special Tax Assessment for property at 168 FORBES AVENUE, (File No. J1805B, Assessment No. 188104)

Sponsors:     Noecker

*Approve; no show.*

**Referred to the City Council due back on 3/21/2018**
- 3     **RLH TA 18-49**     Ratifying the Appealed Special Tax Assessment for property at 92 KING STREET EAST. (File No. VB1806, Assessment No. 188805)

Sponsors:     Noecker

*Delete; Vacant Building 1 was reoccupied and not closed when it should have been.*

**Referred to the City Council due back on 3/21/2018**
- 4     **RLH TA 18-69**     Ratifying the Appealed Special Tax Assessment for Property at 307 PAGE STREET EAST (File No. VB1805, Assessment No. 188804).

Sponsors:     Noecker

*Delete; a new vacant building folder was opened in error on 8/29/17 after the original had been closed on 3/2/17. The new folder has now been closed and no fee is due or owing at this time.*

**Referred to the City Council due back on 3/21/2018**

- 5 **RLH TA 17-531** Ratifying the Appealed Special Tax Assessment for property at 694 SHERBURNE AVENUE. (File No. J1803B, Assessment No. 188102)

**Sponsors:** Thao

*Delete; no police report documenting call for boarding.*

*Minutes pending*

**Referred to the City Council due back on 2/21/2018**

- 6 [RLH TA 17-547](#) Deleting the Appealed Special Tax Assessment for Property at 694 SHERBURNE AVENUE. (File No. VB1803, Assessment No. 188802)

**Sponsors:** Thao

*Approve and spread over 5 years.*

*Minutes pending.*

**Referred to the City Council due back on 2/21/2018**

- 7 **RLH TA 18-73** Ratifying the Appealed Special Tax Assessment for property at 686 SIXTH STREET EAST. (File No. VB1806, Assessment No. 188805)

**Sponsors:** Prince

*Delete; rehabbed and occupied within 60 days of anniversary.*

**Referred to the City Council due back on 3/21/2018**

- 8 **RLH TA 18-75** Ratifying the Appealed Special Tax Assessment for property at 164 STEVENS STREET WEST. (File No. VB1806, Assessment No. 188805)

**Sponsors:** Noecker

*Approve and spread payments over 5 years.*

**Referred to the City Council due back on 3/21/2018**

**10:00 a.m. Hearings**

**Special Tax Assessments (CRT, G, T & V)**

- 9 **RLH TA 18-6** Ratifying the Appealed Special Tax Assessment for property at 2235 MARYLAND AVENUE EAST. (File No. 1801T, Assessment No. 189000)

**Sponsors:** Bostrom

*Approve & spread over 5 years.*

**Referred to the City Council due back on 2/28/2018**

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- 10 RLH TA 18-72** Ratifying the Appealed Special Tax Assessment for property at 128 COOK AVENUE EAST. (File No. CRT1805, Assessment No. 188204)
- Sponsors:** Brendmoen
- Approve; no show.*
- Referred to the City Council due back on 3/21/2018**
- 11 RLH TA 18-66** Ratifying the Appealed Special Tax Assessment for property at 1052 MINNEHAHA AVENUE EAST. (File No. J1803V, Assessment No. 188002)
- Sponsors:** Prince
- Public Hearing continue to October 3, 2018 and if no same or similar violation(s), will reduce in half. If there are violation(s), will approve and spread over 2 years.*
- Referred to the City Council due back on 3/21/2018**

#### Special Tax Assessments - ROLLS

- 12 RLH AR 18-10** Ratifying the assessments for Boarding and/or Securing services during October 2017. (File No. J1805B, Assessment No. 188104)
- Sponsors:** Stark
- Referred to the City Council due back on 3/21/2018**
- 13 RLH AR 18-9** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during August 14 to September 9, 2017. (File No. CRT1805, Assessment No. 188204)
- Sponsors:** Stark
- Referred to the City Council due back on 3/21/2018**
- 14 RLH AR 18-11** Ratifying the assessments for Trash Hauling services during November 1 to 30, 2017. (File No. J1806G, Assessment No. 188705)
- Sponsors:** Stark
- Referred to the City Council due back on 3/21/2018**
- 15 RLH AR 18-12** Ratifying the assessments for Collection of Vacant Building Registration fees billed during January 11 to October 20, 2017. (File No. VB1806, Assessment No. 188805)
- Sponsors:** Stark
- Referred to the City Council due back on 3/21/2018**
- 16 RLH AR 18-13** Ratifying the assessments for Towing Abandoned Vehicle services during May to September 2017. (File No. J1803V, Assessment No. 188002)
- Sponsors:** Stark

Referred to the City Council due back on 3/21/2018

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 17 [RLH SAO 18-8](#) Appeal of Liberty Tax to a Summary Abatement Order at 472 LEXINGTON PARKWAY NORTH.

Sponsors: Thao

*Peter Hansen, General Manager, Liberty Tax, appeared.*

*Supervisor Lisa Martin: Summary Abatement Order was issued on Jan 16, 2018 by Inspector Sean Westenhofer: Please remove the signs from along the public sidewalk. Found multiple business signs in a group along Lexington Parkway North. Comply before Jan 23, 2018; photos; typically, the city would just remove those signs & dispose of them; however, we are not equipped to pickup these very large signs; I spoke with Mr. Hansen on the phone regarding those signs & as of yesterday, all of those signs are still on the public right-of-way*

*Mr. Hansen: I never saw the photos; although, I know that the signs are there*

*Ms. Moermond: invited Mr. Hansen up to view the photos, dated Jan 12 & Jan 24, the day after compliance*

*Mr. Hansen: The Order said, "Please remove the signs along the sidewalk;" & there weren't any signs along the sidewalk so, we were under the impression it was fine; & I guess I was always under the impression that the blvd was private property*

*Ms. Moermond: No; it's like an easement; although, whoever owns the building/lot, owns into the sideway - typically, up to the street but not necessarily, there is a public ROW & that should be called a public easement, so that the public can traverse back & forth on that piece of land; there are other regulations about signage & where they can be located*

*Mr. Hansen: this particular Order is talking about the public ROW, Chap 45 Leg Code - public nuisances; doesn't have anything to do with signage; I'm just confused how somebody would be traversing through the snow there*

*Ms. Moermond: the fact that the signage exists is in violation of other chapters of the Legislative Code; it means that it creates a nuisance & it can be ordered abated under Chap 45; you're saying that it's in a snowbank, so it doesn't matter; is that what I'm hearing?*

*Mr. Hansen: it was you who told me that it mattered because of the ROW & people needed to traverse .....  
& I am aware of the sign regulations; let's go back to the public ROW -*

*Ms. Moermond: the Order is written to the owner of record, South Metro Centers IV LP, 6001 Shady Oak Rd S, Ste 210, Minnetonka MN & to the Occupant*

*Mr. Hansen: the law is that you can't have a sign on the blvd*

*Ms. Moermond: these signs constitute a nuisance because they are in violation of the City's Legislative Code*

*Mr. Hansen: I read through all of Chap 45 Leg Code & I don't understand where in Chap 45 it says specifically that signs are directly related abuses of Chap 45; nowhere does it say that signs are a public nuisance*

*Ms. Moermond: go to the Public Right-of-Way section, it doesn't allow you to have a shrub as tall as what those signs are, let alone a sign; that's considered obstructing the Public ROW*

*-we can have an attorney develop something on this for you; but I'm really comfortable saying that we're looking at a nuisance condition*

*-I gather that you don't want to move them; does the owner of the building have a position on this matter?*

*Mr. Hansen: they support small business & don't want to pay the fines*

*Ms. Moermond: this is actually an assessment for services provided*

*Mr. Hansen: what is "failure to comply may result in a criminal citation" ?*

*Ms. Moermond: that is one of the enforcement options available to the dept*

*Ms. Martin: suggested that they look at their license to see what particular signs they can have; some signs needs permits; all have to be approved by the city; there is no permit on file for any temporary signs; however, they would not be allowed to have signs on the blvd anyway*

*Mr. Hansen: so, what defines our property? what's considered private? what's considered public ROW?*

*Ms. Moermond: looking at the aerial map, what's on the west side of the sidewalk is private property; the sidewalk & blvd are public ROW (on the east side of the sidewalk)  
-my recommendation will be to deny your appeal; the signs should be removed; you can pull them after next Thu, Feb 15, 2018  
-the City Council Public Hearing is scheduled for Feb 14, 2018*

*Mr. Hansen: I'll just take them down*

*Ms. Moermond:*

*Deny the appeal.*

**Referred to the City Council due back on 2/14/2018**

**18**     [RLH SAO 18-7](#)

Making finding on the appealed nuisance abatement ordered for 798 IGLEHART AVENUE in Council File RLH SAO 18-6. (Legislative Hearing on February 6, 2018)

**Sponsors:**     Thao

*To be laid over to March 6 Legislative Hearing and continue public hearing to March 7.*

**Referred to the City Council due back on 2/7/2018**

**11:30 a.m. Hearings****Orders To Vacate, Condemnations and Revocations**

- 19**     [RLH VO 17-60](#)     Appeal of Gina Yanez and Louis Yanez to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 740 WASECA STREET. (Public hearing continued from January 3)
- Sponsors:**            Noecker
- No one appeared.*
- Fire Supervisor Leanna Shaff: she was supposed to call for an inspection; I've been trying to call her on a daily basis this past week; her voice mail is full; I contacted Ramsey County yesterday & nothing has been done with the file*
- Ms. Moermond: Orders were issued Nov 6, 2017 with 1 month for compliance or the property vacated due to long term noncompliance; we do not have a responsible party & we do not have an owner; for that reason, I will recommend to the Council on Feb 14, 2018 that they deny the appeal & recommend a vacate date of Mar 15, 2018*
- Legislative hearing on Feb 13.*
- Referred to the City Council due back on 2/14/2018**
- 20**     [RLH VO 18-4](#)     Appeal of Gerry Kaluzny, SMRLS, o/b/o Tywana Price to a Condemnation as Unfit For Human Habitation and Order to Vacate at 1272 EDGERTON STREET.
- Sponsors:**            Bostrom
- Gerald Kaluzny, Southern Minnesota Regional Legal Services, appeared along with Tywana Price, Appellant.*
- Ms. Moermond: this is an appeal of a Condemnation/Unfit for Human Habitation/Order to Vacate (no heat)*
- Fire Supervisor Leanna Shaff: this is a Condemnation of a Fire Certificate of Occupancy; it started as a referral for inadequate heat; (using space heaters to keep warm) water pipes burst causing flooding in the basement; water shut off to fix pipes; Inspector Wheeler responded to the complaint; heat was 60 degrees; some frozen pipes*
- I provided you with some email & text correspondence between the property owner & their handyman & the appellant*
- according to the email dated 2-6-18 to Insp Wheeler from the owner: here are the invoices & receipts for work that's been done thus far at 1272 Edgerton; the boiler is now working fine.... the circulation pump went out; see update from LaBrash Plumbing.....*
- the pipes broke; multiple leaks; seeing in the receipt from Do It All Maintenance: they've fixed the leaks, replaced pipe runs & valves, etc, since this all started; I see no Permits & this work is required to be done under permit; don't know what Do It All Maintenance handy person's qualifications are; plumbing & mechanical permits are needed; it scares me when we have unlicensed people working on a boiler; there's*

*supposed to be a plumber there today*

*Ms. Moermond: could you summarize the text messages here that you've provided? It looks like the contractor's wife died - they had to stop work*

*-the invoices start Jan 15; this is not a new problem; the inspector was out there on Jan 31 on a referral*

*-these Orders are from Jan 31 & require a re-inspection on Feb 1 at which point all problems must be corrected or the bldg vacated --- but, it's still on-going*

*Mr. Kaluzny: I wasn't aware that there were no permits pulled; I talked to Scott Zack, Covenant Capital; he said that you could call him; what I understand is this was supposed to be completed last week; I understand that the boiler person's wife died; so Scott Zack, who was acting on behalf of the owner, was trying to make arrangements but because of the cold snap, that wasn't a very easy thing to do; he was able to make arrangements with LaBrash Plumbing; they are there now; I heard them on speaker phone; he hopes to have the heat re-instated today; he is a licensed plumber; I'm surprised there is no permit*

*Ms. Moermond: sometimes contractors like to do the work & then apply for the permit; this might be such a case*

*Ms. Shaff: I have concerns about the boiler not having been worked on for quite some time or was worked on by someone who wasn't licensed to do that work*

*Mr. Kaluzny: LaBrash is licensed in plumbing & heating; they hope to have the heat restored today & if there's anything else that needs to be done, they will do it on Thu; I just found out from Mr. LaBrash that he will be taking his wife to the Mayo Clinic tomorrow; she has just been diagnosed with cancer*

*Ms. Price: I'm using 3 space heaters upstairs & some downstairs, too;  
-my children's ages: 21, 18, 16, 14*

*Ms. Shaff: space heaters draw a lot of juice; when they're on the same circuit, they sometimes pop the breaker*

*Ms. Moermond: I want to know about LaBrash getting a permit pulled today; that would be comforting to me - knowing that the work was going to be inspected*

*Ms. Price is calling LaBrash Plumbing right now.... Ms. Moermond is talking with Mr. LaBrash on Ms. Price's phone via speaker*

*Ms. Moermond: When were you going to pull the permit to do the work?*

*Mr. LaBrash: I was called just to fix some leaks so the tenant could have some heat; so, I wasn't intending to pull one. A lot more work needs to be done to bring this up to standards.*

*Ms. Moermond: I'd like to have one of our plumbing inspectors go out & take a look*

*Mr. LaBrash: It would be smart to have a plumbing inspector go out*

*Ms. Moermond: I will contact Rick Jacobs; we see if we can get him or one of his guys to go out & write up what needs to be done to get this addressed in more than a temporary fashion; we'd write Orders with a deadline & copy you by email,*

ed@edsplumbing.net; we'll have Mr. Jacobs draft something & send it to Scott Zack & copy you; thanks for taking the time to talk with me about this; it helped to clear things up

Ms. Shaff: I just forwarded this to Mr. Jacob & all receipts & bids

Ms. Moermond: hopefully, Covenant Capital will be willing to pay for this to be fixed properly; we'll be looking to amend those Orders to take into account what a proper repair would be

-I'm going to be temporarily satisfied with you being able to continue to live there while this gets sorted out; we'll have a much better idea about this next Tue; we should have a report from the plumbing inspector; we should have some info from Scott Zack  
-I need to put this in front of the City Council sooner rather than later; realistically on Feb 21, 2018

-let's talk about this next Tue, Feb 13, LH

-warning: don't overload the circuit; plug space heaters into separate circuits

Mr. Kaluzny: I think that's fair; I think we have a responsible plumber; we'll try to get a plan together

**Laid Over to the Legislative Hearings due back on 2/13/2018**

**21 RLH VO 18-3**

Appeal of James VinZant, VinZant Construction, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1247 ROSS AVENUE.

**Sponsors:** Bostrom

Grant to July 1 to repair the retaining wall and roof.

minutes pending

**Referred to the City Council due back on 2/21/2018**

**22 RLH VO 18-5**

Appeal of Kwei Fang to a Condemnation and Order to Vacate at 2144 TEMPLE COURT.

**Sponsors:** Stark

Recommendation is forthcoming.

Inspection to occur by Lisa Martin on Friday, February 9 at 10 to determine if the extension cords are removed, clear exit pathways, and front and back door secured. Owner is to work with contractor on finalizing the permit(s). If those conditions are met, inspector will conduct an inspection on April 12 at 10 am for the remaining balance and there will be a Legislative Hearing on April 17, 2018.

minutes pending

**Referred to the City Council due back on 2/21/2018**

**Other**

**23 [RLH SAO 17-65](#)**

Making finding on the appealed nuisance abatement ordered for 25 ELIZABETH STREET EAST in Council File RLH SAO 17-56. (Public hearing continued from February 7)



**Sponsors:** Noecker

*Ms. Moermond: Noted: is being continued to Tue, Feb 13 LH; the building inspector responded that he does not have any concerns about their request for an extension; I don't have a date to which they want the deadline extended & I need to consult with a VB inspector to confirm.*

*Legislative Hearing on Feb 13 at 2:30 pm.*

**Referred to the City Council due back on 2/14/2018**