



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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

Tuesday, July 23, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments -Laid Over

- 1 [RLH AR 13-24](#) Ratifying the assessments for Demolition Services during December 2012 at 315 LARCH STREET. (File No. J1307C, Assessment No. 132006) (Public hearing continued from May 1; to be referred back to July 23, 2013 Legislative Hearing and August 7, 2013 City Council public hearing)

Sponsors: Lantry and Carter III

Approve the assessment.

RE: 315 Larch Street (M-Misc. Structure)

No one appeared.

Ms. Moermond:

- received an additional letter from Mr. Duggans, Attorney; he thinks that there was more information that wasn't provided to him about the clean-up*
- every piece of paper that she's aware of or requested from the county has been posted on-line and attached to this file*
- asked Mai Vang to send Mr. Duggans a letter confirming that all the information in our possession has been posted on-line*
- scheduled for City Council Public Hearing Aug 7, 2013*
- notice was properly given as something that needed to be addressed*
- this is a substantial abatement (remove/repair) order that the Council voted on Mar 7, 2012*
- staff's summary work sheet: the clean-up was ordered; the work did not get done by the owner*
- this was already considered and laid over on a number of occasions to accommodate the owner and his attorney*
- will recommend the Council approve this assessment*
- asked Mai Vang to confirm that there were no more additional materials that needed to be attached to the file*
- all has been posted on-line*
- not sure what Mr. Duggans is looking for*

Referred to the City Council due back on 8/7/2013

- 2 [RLH TA 13-216](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307C, Assessment No.132006 at 315 LARCH STREET. (Public hearing continued from May 1; to be referred back to July 23, 2013 Legislative Hearing and August 7, 2013 City Council public hearing)

Sponsors: Carter III

Approve the assessment.

RE: 315 Larch Street (M-Misc. Structure)

No one appeared.

Ms. Moermond:

- *received an additional letter from Mr. Duggans, Attorney; he thinks that there was more information that wasn't provided to him about the clean-up*
- *every piece of paper that she's aware of or requested from the county has been posted on-line and attached to this file*
- *asked Mai Vang to send Mr. Duggans a letter confirming that all the information in our possession has been posted on-line*
- *scheduled for City Council Public Hearing Aug 7, 2013*
- *notice was properly given as something that needed to be addressed*
- *this is a substantial abatement (remove/repair) order that the Council voted on Mar 7, 2012*
- *staff's summary work sheet: the clean-up was ordered; the work did not get done by the owner*
- *this was already considered and laid over on a number of occasions to accommodate the owner and his attorney*
- *will recommend the Council approve this assessment*
- *asked Mai Vang to confirm that there were no more additional materials that needed to be attached to the file*
- *all has been posted on-line*
- *not sure what Mr. Duggans is looking for*

Referred to the City Council due back on 8/7/2013

- 3 [RLH TA 13-326](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1309A1, Assessment No. 138536 at 1945 BERKELEY AVENUE.

Sponsors: Tolbert

Delete the assessment.

RE: 1945 Berkeley Avenue (Single Family)

Suzanne I. Doree, owner, appeared.

Inspector Paula Seeley:

- *unshoveled sidewalk*
- *snow letter sent Mar 13; compliance date Mar 16*
- *re-checked Mar 21; Work Order sent*
- *Parks did the work Mar 25, 2013*
- *cost: \$320*
- *sent to Occupant; and Suzanne Doree at same address*
- *no returned mail*
- *history: also snow letters in 2011 and 2012*

- photos

Ms. Doree:

- my assessment letter says \$240 not \$320 for the cost

Ms. Seeley:

- yes, \$320 is a type; the correct amount is \$240 (\$80 for the snow removal and \$160 administrative charge)

Ms. Doree:

- did get a Notice

- they live on a corner and the plows plow in the sidewalks every time they go by

- thought they cleared it by the compliance date; thinks it was snowing a lot at that time; believes that it had snowed again after they had cleared it but they were doing their best to keep it cleared; there's a lot of shoveling

- hired someone to hack off the ice

VIDEO

- you can see all the sand on that ice

Ms. Moermond:

- will recommend this assessment be deleted

- only a negligible amount was done by the crew

Referred to the City Council due back on 8/7/2013

- 4 [RLH TA 13-478](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310A, Assessment No. 138522 at 937 IGLEHART AVENUE.

Sponsors: Khaliq

No show; approve the assessment.

Referred to the City Council due back on 8/7/2013

- 5 [RLH TA 13-390](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1309, Assessment No. 138210 at 860 LAWSON AVENUE EAST.

Sponsors: Bostrom

Reduce the assessment from \$650 to \$400.

RE: 860 Lawson Avenue East (Duplex)

Paulette E. Gartner, owner, and John Gartner, son, appeared.

Ms. Moermond:

- this has been re-scheduled a couple of times

- this is a Fire Certificate of Occupancy fee

Mr. Gartner:

- he spoke with Inspector Wayne Spiering, who said that as long as things were done, he wouldn't charge any fees; he also said that 99% of our problem is the tenants; he talked about the water meter and the ventilation on the plumbing, which didn't get done; then, Steve, Water, took over; the plumber was supposed to pull a permit but he didn't

Ms. Moermond:

- we had the guy on the phone at the last hearing and there's 2 sides to this story
- looking at Orders issued on 7 occasions: Jun 26; Aug 17; Sep 18; Oct 3; Oct 17; Nov 26; and Dec 7, 2012 (Mr. Gartner said there were not 7 inspections)
- it sounds as if little things were being done along the way but the whole list wasn't addressed (Mr. Gartner: the whole list was done except for the plumbing and that's where Steve came in)
- asked that Mai Vang pull up the first and last lists; wants to see what items remained for subsequent inspections
(paused this case to research lists and went on to the next case)
- Jun 26 - there were 26 items to address
- Oct 17 - down to 1 item
- because that item hadn't been addressed on Nov 26, 2012, the C of O was Revoked; she heard an appeal on that Revocation on Dec 4, 2012 and she recommended that the appeal be granted and they be given until Feb 1, 2013 to come into compliance
- she can delete the cost for inspection on Dec 7, 2012 but the other ones were all in the mix - you still had items to do and you hadn't made an appeal

Mr. Gartner:

- Steve was supposed to send a letter to you that he was going out there, not Wayne
- we hired a new contractor because the other one ripped her off

Ms. Moermond:

- you had it down to 1 item in mid-Oct; the next inspection was 5 weeks later to see if that 1 thing had been done; it wasn't done; then, you appealed
- will recommend that the inspection that happened right after the appeal will be deleted; the other inspection fees will be approved
- the cost of one inspection is \$100

Ms. and Mr. Gartner:

- that's not enough; he wasn't out there that many times
- their invoice shows \$100 charged many times on the same day, Feb 13, 2013

Ms. Moermond:

- reviewed their invoice
- she will also take off the administrative fees
- will recommend that \$250 be deducted from the total assessment of \$650 = \$400
- suggested that they go to the City Council Public Hearing at 5:30 pm on Aug 7, 2013
- she went through each list following an inspection with Mr. Gartner
- she will check with Fire on this

Referred to the City Council due back on 8/7/2013

6 [RLH TA 13-477](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 1340 BUSH AVENUE.

Sponsors: Lantry

Delete the assessment.

RE: 1340 Bush Avenue (Single Family)

Margaret Uriah and a gentleman appeared.

Inspector Joe Yannarely:

- Excessive Consumption Assessment

- snow and ice letter
- Orders dated Mar 12, 2013; compliance: 48 hours after postmark
- work done by owner automatically generating the PAEC

Ms. Moermond:

- the turn around was extremely fast

Ms. Uriah:

- it actually is owned by HUD; it wasn't even owned by him until May 22, 2013
- brought closing statements

Ms. Moermond:

- will recommend this assessment be deleted; the work was done under the previous owner, HUD, and HUD never pays its bills with the city

Referred to the City Council due back on 8/21/2013

Special Tax Assessments - New

- 7 RLH TA 13-481** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1310, Assessment No. 138211 at 109 ACKER STREET EAST.

Sponsors: Brendmoen

Reduce the assessment from \$415 to \$260. (per DSI's recommendation-delete service charge) No one appeared.

Referred to the City Council due back on 9/4/2013

- 8 RLH TA 13-462** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 235 ALBERT STREET SOUTH/1401 ST. CLAIR AVENUE.

Sponsors: Tolbert

Delete the assessment.

RE: 235 Albert Street South / 1401 St. Clair Avenue (Double house that Ms. Charles' dad built)

Jean Charles, daughter of Montie and Margaret Rockhold, and personal representative, appeared.

Inspector Paula Seeley:

- clean-up assessment
- Summary Abatement Order sent May 24, 2013 to remove a sofa on the blvd; compliance date May 29
- re-checked May 30, 2013; Work Order sent
- Parks did the work May 31, 2013 for a cost of \$448
- sent to Montie and Margaret Rockhold, 1181 Edgcumbe Rd Unit 1116
- no returned mail
- couch on St. Clair blvd
- no history on the property

Ms. Charles:

- it wasn't their sofa; obviously, someone dumped it there
- her son lived there and he looked into whether or not it was one of the neighbors or

if anyone had seen who did it
 - got the SA, dated Fri, May 24, 2013 (Memorial Day weekend); they did not get it until Tue, May 28, 2013 and the compliance date was May 29, which didn't even give her a day to figure out who was going to take this for her (quick turn around)
 - it wasn't theirs and she didn't know that they would be responsible for any thing that was left on your blvd
 - it could have come from the house next door, which was in foreclosure and is being remodeled
 - the sofa moved - it started at the very corner of the line between the 2 yards and somehow it got moved down a little ways; all of a sudden, it was in front of our house and I got this letter
 - it was raining and she was horrified to think that she had only 1 day to take care of it

VIDEO
 Viewed VIDEO again

Ms. Moermond:

- after viewing the VIDEO again, she saw that the couch was clearly on the neighboring property
 - she is quite sure that it was moved
 - she will recommend that this assessment be deleted because the couch was on a different property when it was cleaned up but it's the owner's responsibility to take care of these things; doesn't care who put it there; it's on your property; you need to be responsible and pick it up
 - noticed also, that although the Orders were mailed on Fri, May 24, 2013, the actual clean-up wasn't done until Fri, May 31, 2013 (Ms. Charles has the date of May 29, 2013)

Referred to the City Council due back on 9/4/2013

9 RLH TA 13-461

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530at 600 CHARLES AVENUE.

Sponsors: Khaliq

Approve the assessment.

RE: 600 Charles Avenue (Duplex)

Minjeong Kang, owner, appeared. (Eric Eddy is her husband.)

Ms. Kang:

- clean-up
 - she purchased this Dec 31, 2012
 - these were tenants of the previous owner, who were horrible tenants
 - initially, tenants told her that it wasn't their garbage; people were dumping
 - we got over \$2,000 in fines for cleaning up and we suspected that it really was their garbage
 - finally, the lease was ended but they refused to move out; it took a long time
 - they do want to keep the property clean and they do want to have good tenants
 - they do not recall getting a Summary Abatement
 - they moved from CA
 - in Jan or Feb, they contacted the city to change the mailing address but she noticed that several SA were still being sent to the CA address

Inspector Paula Seeley:

- Summary Abatement Order sent May 2; compliance date May 7
 - re-checked May 7; Work Order sent

- Parks cleaned up May 10 for a cost of \$516
 - sent to Occupant and to Minjeong Kang, 112 Shadow Wood Drive, Pleasant Hill, CA
 - bold letters indicated misc. refuse along alley side of garage, pile of tires and refuse in the rear yard
 - history: orders in Apr, Jun 4, SA
 - photos
 VIDEO - tires, trash bags, debris on porch
 - he husband received another SA Notice in Jun with the St. Paul address so he was able to go down and clean up himself
 - she thinks that the Jun notice was the first one they got with their St. Paul address on it
 - she has a record of communicating that change of address; she will bring it; thinks it was in Feb or Mar

Ms. Moermond:

- Orders were sent to CA but that was the address she gave Ramsey County when she purchased the property and the address needs to be changed with Ramsey Co because the city references their records (Ms. Kang said that she contacted them a long time ago and it still took them a couple of months to correct the address)
 - seeing work that was ordered
 - notice went to the owner of record at the address provided
 - the work was done (VIDEO)
 - bad history during Ms. Kang's period of ownership
 - will recommend approval of this assessment

Referred to the City Council due back on 9/4/2013

- 10 RLH TA 13-467** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 661 DALE STREET NORTH.

Sponsors: Khaliq

No show; approve the assessment.

Referred to the City Council due back on 9/4/2013

- 11 RLH TA 13-456** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311G, Assessment No. 138713 at 1187 FOREST STREET.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 9/4/2013

- 12 RLH TA 13-454** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 1187 FOREST STREET.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 9/4/2013

- 13 RLH TA 13-465** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 884 GERANIUM AVENUE EAST.

Sponsors: Bostrom

Delete the assessment.

RE: 884 Geranium Avenue East (Single Family)

Mark Anderson appeared.

Inspector Paula Seeley:

- *Summary Abatement Order sent May 16, 2013; compliance date May 20, 2013*
- *re-checked May 20; Work Order sent*
- *work done May 21, 2013 for a cost of \$290 + \$160 service charge = \$450*
- *no returned mail*
- *May 27, 2013 - had Orders on rubbish around the garage*
- *photos*

Mr. Anderson:

- *Work Order was sent out May 27, 2013 and he met Ms. Seeley at the property on Apr 5, 2013; she said everything was OK*
- *the next thing he got was this notification that they cleaned up something; he got nothing in between*
- *he changed addresses in between; he presented a notice that was sent to his old address and a notice that was sent to his new address*
- *he did not get notified of this May set of Orders*

Ms. Moermond:

- *asked to see his paperwork*
- *this is for cleanups that happened before and Mr. Anderson took care of it*

VIDEO

- *she has a photo taken May 20, 2013*
- *the finished work was not present on the VIDEO; Parks failed to video the after work*
- *will recommend this assessment be deleted; Parks didn't do this correctly*

Referred to the City Council due back on 9/4/2013

- 14 RLH TA 13-476** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311P, Assessment No. 138410 at 1659 GRAND AVENUE.

Sponsors: Tolbert

No show; approve the assessment.

On July 24, 2013, owner, Eugene Sitzmann, called and left a message.

On July 25, 2013, Ms. Vang returned the call but the answering machine was full, not able to leave message.

Referred to the City Council due back on 9/4/2013

- 15 RLH TA 13-472** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 953 IGLEHART AVENUE.

Sponsors: Khaliq

Approve the assessment.

RE: 953 Iglehart Ave (Duplex)

Kim Ossei, caretaker, appeared on behalf of Bob Allen, owner.

Inspector Paula Seeley:

- Summary Abatement Order issued May 21, 2013; compliance date May 28, 2013
- re-checked May 28, 2013; Work Order sent
- work done May 29 for a cost of \$344 + \$160 service charge = \$504
- no returned mail
- sent to Occupant and Robert Allen, 3170 Victoria St N, Shoreview
- in bold letters: including removing trash bags on the ground by trash containers, wood chair, tables and yard area scrap wood, misc. refuse, etc.
- has an extensive history

Ms. Ossei:

- has been a caretaker there for 15 years; this is the first clean-up at this property
- she received a letter that said to remove a wooden chair; didn't say anything about the material in the back yard and some of that stuff was her grandchildren's bikes, skis, etc.
- they have a lot of problems with a guy in the neighborhood who asks if he can move peoples' trash for money; then, he puts it on other peoples' property
- she was looking for a camera so that she could catch the guy dumping
- her cousin lives next door; she, too finds things left in her yard
- trash is removed there every Fri; maybe there were a couple extra bags because of the holiday or the kids' birthday party

Ms. Moermond:

- would like to see the VIDEO
- notes: this Summary Abatement Order went to Occupant and to Ms. Ossei; and it says, "Including removing the trash bags on the ground by the trash containers, the wood chair, tables in the back yard, scrap wood and misc refuse in all yard areas."
- the VIDEO showed most of the items in the Orders
- looks that there were Orders on the property just the month before
- Appellant can file a claim with the city for the kids' things
- will recommend approval of this assessment

Referred to the City Council due back on 9/4/2013

16 RLH TA 13-453

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311G, Assessment No. 138713 at 1585 IOWA AVENUE EAST

Sponsors: Bostrom

Reduce the assessment from \$410 to \$310 and spread the payments over 3 years.

RE: 1585 Iowa Avenue East (Single Family)

Matthew P. Beale, owner, appeared.

Inspector Paula Seeley:

- Orders sent for failure to provide trash service Apr 23, 2013; compliance date Apr 29, 2013
- re-checked Apr 29; still no trash service
- assessment is for 4 weeks of trash service
- cost: \$250 + \$160 service charge = \$410
- sent to Matthew Beale at this address
- also, a Summary Abatement Order sent on the same day to remove bags of garbage from alley and from east side of the house

- photos

Ms. Moermond:

- lots of bags of garbage which the city cleaned up
- city assumes you don't have garbage service and tells you to get it

Mr. Beale:

- he fell behind on the trash service bill and he cleaned up all of that garbage before the deadline; so, he doesn't see how the city can charge him for that

Ms. Moermond:

- this assessment is not for the clean-up
- this assessment is for 4 weeks of garbage service

Mr. Beale:

- the city dropped off a can; didn't give him a chance to re-start his trash service
- the can was there for 2 weeks, he believes, not 4 weeks
- he does have trash service now
- assessment calculation doesn't add up; it says that $\$100 \times 1 = \250

Ms. Moermond:

- asked to see the calculation
- noted that the bill was prepared incorrectly
- Mr. Beale was noticed at the wrong assessment level
- recommended that the assessment be reduced to \$360 divided over 3 years

Referred to the City Council due back on 9/4/2013

17 RLH TA 13-471

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 0 ISABEL STREET EAST (PIN #08-28-22-21-0085).

Sponsors: Thune

Delete the assessment.

RE: 0 Isabel Street East (PIN #08-28-22-21-0085)

Kris Kujala and Paul Scharf, Ramsey County, appeared.

Inspector Paula Seeley:

- clean-up
- Summary Abatement issued May 1, 2013; compliance date May 7, 2013
- re-checked May 7 and found to be noncompliant; Work Order sent
- work done May 9, 2013 for a cost of \$580 + \$160 service charge = \$740
- sent to State of MN, PO Box 64097
- no returned mail
- photos taken by Inspector Smith on May 7, 2013
- suggested to look at VIDEO and compare the photos; they said they had cleaned it up

Ms. Kujala:

- has a Correction Notice she received that was mailed Apr 10, 2013 - that's the only one she received
- that was for a clean-up, sanitation, including mattresses, recliner, etc.
- they called their crew and sent them out to clean-up Apr 11, 2013

Ms. Seeley:

- Apr 10, 2013 - a Correction Notice was also sent to the state; it didn't get done so Mr. Smith sent another one out May 1, 2013

Ms. Moermond:

- the Summary Abatement Order was not received
- is looking at photos of Apr 10, 2013; they are different from the photos taken in May
- what was ordered Apr 10 was not what was cleaned-up at this time
- will look more into notification and call Ms. Kujala later today

Referred to the City Council due back on 9/4/2013

- 18 RLH TA 13-464** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 1736 MARGARET STREET.

Sponsors: Lantry

PO called and can't make hearing due to health issue. He will send in written statement for his appeal.

No written statement submitted for owner's appeal. Approve the assessment.

Referred to the City Council due back on 9/4/2013

- 19 RLH TA 13-458** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 616 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Laid Over to the Legislative Hearings due back on 8/6/2013

- 20 RLH TA 13-466** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 1683 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Approve the assessment.

RE: 1683 Minnehaha Ave E (Single Family)

Kathleen Wiebusch, owner, appeared.

Inspector Joe Yannarely:

*- brush and tree debris sparked a Summary Abatement Order sent May 21, 2013; compliance date May 28
- re-checked May 29 and found in noncompliance; Work Order sent
- work done May 30, 2013 for a cost of \$316 + \$160 service charge = \$476
- there's a history of Work Orders
- sent to Paul D. Babbitt, 1170 Leland Rd, Maplewood and Occupant*

Ms. Wiebusch:

*- she never got any Notices
- she didn't purchase the property until May-Jun 2013
- the last letter was the only one she got - saying the city was assessing the property*

Ms. Moermond:

- the Orders went to the previous owner and the work happened when they owned the property

- when you buy the property, you also buy its debt, too, and this assessment was on it
- they are responsible for disclosing any outstanding Orders on the property or pending assessments and they did not
- this happens quite a lot with foreclosed properties where not much background is done in the transactions - that's why they're cheaper
- provided a copy for the Appellant to take back to the bank
- viewed VIDEO
- will recommend approval of this assessment

Referred to the City Council due back on 9/4/2013

- 21 RLH TA 13-480** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1310, Assessment No. 138211 at 1038 RANDOLPH AVENUE.

Sponsors: Thune

Delete the assessment. (Per DSI, no billing or invoice was sent to responsible party and property owner) - no one appeared.

Referred to the City Council due back on 9/4/2013

- 22 RLH TA 13-533** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 187-189 ROBIE STREET WEST.

Sponsors: Thune

Approve the assessment.

RE: 187-189 Robie Street West (Duplex)

Steven Dick, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement issued for a clean-up Apr 26, 2013; compliance date May 1, 2013
- re-checked May 1; Work Order sent
- work done May 2, 2013 for a cost of \$336 + \$160 service charge = \$496
- there's an on-going open file with Inspector Smith
- has photos: quite a bit of garbage
- sent to First Commercial Bank; the Occupant; and Urban Enterprises, 4542 Nicollet Ave, Mpls
- no returned mail
- has photos

Mr. Dick:

- Urban Enterprises is his property manager and he informed Mr. Dick of the situation on Fri Apr 29, 2013
- Mr. Dick went out about 2 hours after he got the Email from Urban Enterprises saying he got the letter and cleaned everything up
- he guesses that he was too proactive; he told his tenants that if there was any more trash, they should put it in the back room
- he doesn't know what the pictures show because he removed all the trash for that original issue
- viewed VIDEO
- there was confusion - he was told only about the material on the blvd; his Email said, "Just received a letter from the city; they say that the garbage hasn't been picked up from the blvd."

- he didn't know that the yard trash was part of it

Ms. Seeley:

- believes that some of the clean-up has been done

Ms. Moermond:

- the Order says, "from yard areas and blvd"

- the cost would have been a lot more had the blvd not been addressed

- will recommend approval of this assessment

Referred to the City Council due back on 9/4/2013

23 RLH TA 13-532

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 273 SHERBURNE AVENUE.

Sponsors: Khaliq

Approve the assessment.

RE: 273 Sherburne Ave (Two-family dwelling)

Philip Black, property manager, appeared. (Bradley Skoog, owner)

Mr. Black:

- he believes when this happened it was a situation where he went to a different garbage service; they had cancelled theirs too soon (4-5 days where there was no container)

- he did go and clean it up

Inspector Paula Seeley:

- Summary Abatement Order issued May 8, 2013; compliance date May 14, 2013

- re-checked May 14, 2013; work wasn't done

- Parks cleaned it up May 16, 2013 for a cost of \$270 + \$160 service charge = \$430

- no returned mail

- another SA issued again May 20, 2013; was cleaned up

- sent to Bradley Skoog, 28800 Linden Ave, Lindstrom, MN; Guardian Properties, 708 Cleveland Ave SW Ste 160, New Brighton; Occupant

- in bold letters: including removing the mattress, trash bags and misc refuse on the west side of the garage, the scattered misc refuse on the ground and the rear yard; and any misc trash around the garage

- photos show a lot of trash

- viewed VIDEO

- viewed VIDEO one more time

Mr. Black:

- that back yard was full of trash

- the VIDEO was taken after he had removed most of the items

- that tenant is gone now

Ms. Moermond:

- looks like a lot was done but not everything

- Orders were written May 8; photos are dated May 14, 2013; the VIDEO showed that nearly all the major stuff is gone

- she wants to give some credit for trying to do the clean-up but the crew did go out and clean up the rest of the garbage bags

- will recommend approval of this assessment

Referred to the City Council due back on 9/4/2013

24 RLH TA 13-534 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 1039 THIRD STREET EAST.

Sponsors: Lantry

Delete the assessment.

RE: 1039 Third St (Single Family)

Dirk and Gesina Beukes, owners, appeared.

Inspector Joe Yannarely:

- Summary Abatement Order for tall grass and weeds issued May 23, 2013; compliance date May 28, 2013
- re-checked May 29 and found in noncompliance; Work Order sent
- work done May 31, 2013 for a cost of \$160 + \$160 service charge = \$320
- has been a Category 2 Vacant Building since Sep 1, 2011
- since then, 3 Work Orders and 1 Excessive Consumption
- no returned mail

Mr. Beukes:

- when they bought this property, it was in shambles; had no mail box either
- the contractor has been working on it
- they have not received any Notice whatsoever
- for this particular instance of the lawn - on that day, the contractor called him and asked if he had gotten any Notice about mowing the lawn (it had been raining; he had finished a portion); Mr. Beukes said, "No, if we had, you would have known and we would have done it, anyway." The contractor said, "Well, the person is here now to do it and he can't stop."
- Mr. Beukes knows that the contractor had his lawn mower there to do the mowing but he was working in and out and it was raining at the time so, it was difficult to get it done
- the fact is that they never received any Notice; there was no mail box
- he is also a realtor and he is waiting for the inspections to get done so he can get the Code Compliance Certificate (they are having quite a problem with that); when he phoned that day to talk with the inspector about what's going on about why they hadn't gotten a Notice, it was mentioned that our address is in the system; inspector asked if they hadn't received a Notice at 934 Larpenteur where they live? Mr. Beukes said, "No; we hadn't heard anything up until the time our contractor called and he saw that it was an assessment listed on the city site"; he asked what can be done about it? and he was transferred to Legislative Hearings for an appeal
- had they known, it would have been done
- he knows that there is also an assessment from earlier on, which was for the same reason
- was there any mail returned?

Mr. Yannarely:

- no mail was returned but it doesn't look like we sent it to the 934 Larpenteur address

Mr. Beukes:

- he filled out a VB Registration form in Sep when they purchased it - part of the process

Ms. Moermond:

- it appears that the department missed sending the Notice

- will recommend this assessment be deleted

Referred to the Legislative Hearings due back on 9/4/2013

- 25 RLH TA 13-479** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1310, Assessment No. 138211 at 771 THOMAS AVENUE.

Sponsors: Khaliq

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 8/6/2013

- 26 RLH TA 13-469** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 1344 WHEELER STREET SOUTH.

Sponsors: Tolbert

No show; approve the assessment.

Referred to the City Council due back on 9/4/2013

Staff Reports

- 27 [RLH TA 13-403](#)** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310A, Assessment No. 138522 at 643 WELLS STREET.

Sponsors: Bostrom

Delete the assessment.

643 Wells Street (Duplex)

Inspector Paula Seeley:

- went by the property yesterday

- property owner put up barriers on the vacant lot (bunch of timbers); hopefully, no one steals them

Ms. Moermond:

- will recommend the Council delete this assessment.

Referred to the City Council due back on 8/7/2013

Special Tax Assessment Rolls

- 28 RLH AR 13-72** Ratifying Collection of Vacant Building fees billed August 28, 2012 to March 21, 2013. (File No. VB1311, Asmt No. 138815)

Sponsors: Lantry

Referred to the City Council due back on 9/4/2013

- 29 RLH AR 13-73** Ratifying Property Clean Up services during May 1 to June 4, 2013. (File No. J1311A, Asmt No. 138530)

Sponsors: Lantry

Referred to the City Council due back on 9/4/2013

- 30 RLH AR 13-74** Ratifying Trash Hauling services during May 2013. (File No. J1311G, Asmt No. 138713)

Sponsors: Lantry

Referred to the City Council due back on 9/4/2013

- 31 RLH AR 13-75** Ratifying Collection of Certificate of Occupancy fees billed February 21 to March 19, 2013. (File No. CRT1310, Asmt No. 138211)

Sponsors: Lantry

Referred to the City Council due back on 9/4/2013

- 32 RLH AR 13-80** Ratifying Graffiti Removal services during May 2013. (File No. J1311P, Asmt No. 138410)

Sponsors: Lantry

Referred to the City Council due back on 9/4/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 33 [RLH SAO 13-27](#)** Appeal of Fern Ewasiuk to a Summary Abatement Order at 1087 ARUNDEL STREET.

Sponsors: Brendmoen

Laid Over to the Legislative Hearings due back on 7/30/2013

- 34 [RLH SAO 13-28](#)** Appeal of Lynn Taliaferro to a Summary Abatement Order at 1095 ARUNDEL STREET.

Sponsors: Brendmoen

Laid Over to the Legislative Hearings due back on 7/30/2013

- 35 [RLH SAO 13-30](#)** Appeal of Shelley Pecha to a Summary Abatement Order and Correction Notice at 132 KING STREET WEST.

Sponsors: Thune

Per Ed Smith's inspection:

While I was driving to another inspection, I happened to drive past 132 King St W and noticed that the garage has been painted. The property is in full compliance now and the complaint has been closed.

Withdrawn

Orders To Vacate, Condemnations and Revocations (NONE)**Correction Orders****11:30 a.m. Hearings****36**[RLH FCO
13-158](#)

Appeal of Nkia Pao Vang to a Fire Certificate of Occupancy Correction Notice at 1133 RICE STREET.

Sponsors: Brendmoen

Grant until December 1, 2013 to remove the two PODs.

RE: 1133 Rice Street

Nkia Pao Vang and his wife, owners, appeared.

Mai Vang interprets.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection*
- Orders dated Jun 28, 2013*
- one deficiency left: the 2 POD containers; they need to be removed; have been there for 3 months*
- was not the best code section to use but it gave the owner a lot of time to deal with it*
- under the zoning code, it's not a permitted use in a T-2 zoning district and you'd have 5 days to remove them*
- under property maintenance code, it's not structurally sound so they must remove them*
- POD containers can't meet the building code; they are called intermodal cargo containers*

Ms. Moermond:

- asked for an overhead map of the area and reviewed it with questions for Mr. Vang*

Mr. Vang:

- he took the property back from his son, Song Vang*
- those containers have been there since 2002*
- their business is no longer in operation; they moved things from the building to the PODs*
- Mr. Spiering did the first inspection and listed 14 items, which were all addressed*
- they cleaned everything out and put it into the containers to avoid garbage and trash from being outside*

Ms. Moermond:

- apologized that this code violation hadn't been called out for years and years*
- called out as POD storage under 34.085 and 34.323 but thinks it should be 34.086; this is not an accessory structure under the code; this is about stored materials and item #6 says: "It shall be unlawful to accumulate and store building materials, lumber, boxes, cartons, portable storage containers, intermodal cargo containers or other containers, machinery, scrap metal, junk, raw material, fabricated goods, and other items in such a manner to constitute a nuisance or rodent harborage."*

Mr. Vang:

- the POD containers are rented from another party, and he knows that they are not permanent but they are so large and heavy that they can't be picked up -- are still looking for places to move the items out of the containers but there's a lot of stuff and the items are heavy
- are paying \$10,000 a year in taxes on the property
- the building is being rented by someone else; that's why his materials are in the POD containers

Ms. Moermond:

- these containers need to be removed
- the Department of Safety and Inspections (DSI) gave 2 weeks for them to be removed; she believes that's too short of time for such a big job

Mr. Vang:

- it took 6 family members 3 1/2 months to move the materials from the building to the POD containers
- Inspector Spiering wanted everything out of the building
- the new tenants are fixing everything inside: new floor, new paint, new plumbing; they are spending close to \$60,000 to do repairs on the interior
- it's going to take a very long time to move those things from the containers and they need to be moved between 1-10 miles away
- the company from which he rents the containers said that there were no codes against portable containers in St. Paul, except that they not be put onto the street
- they leased the containers to prevent leaving their materials outside (lease is up Jan 1, 2014)
- they closed the business in 2012 because the economy was so bad
- he has only a part time job
- the containers must stay until they find a place to move what's inside
- also, now, his wife broke her arm May 25, 2013 and she can't do anything by herself; she has only him to help her; how is he going to do that big job by himself?
- the property was in his son's name but there was too much pressure from the city inspector; now, they don't communicate
- all the while that Mr. Vang was operating that business, they had no problem; but since Mr. Wayne Spiering came in, there have been problems

Ms. Moermond:

- the containers have to go; she wants to be sympathetic with things that are going on with Mr. Vang's family and how long it's going to take, but this can't last indefinitely; she needs to put an "end date" on it

Ms. Shaff:

- noted that this inspection process started in Dec 2011 with Inspector Scott St. Martin; it went through a Revocation process; it's been vacant or unoccupied until the current tenant went in there this year; seems like there's a familial issue

Ms. Moermond:

- it took 3 /12 months to get the containers filled
- she will recommend that they be emptied by Dec 1, 2013
- if the PODs are not emptied at that time, the inspector can write a Criminal Citation at that time
- City Council Public Hearing Aug 7, 2013
- she will amend the Order from being 34.085 to 34.086 and strike the reference to 34.323
- Mai Vang will send a letter

Mr. Vang:

- he will be coming to the CCPH; he requests that an interpreter be present

Referred to the City Council due back on 8/7/2013 (Request for Hmong Interpreter)

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 37 [RLH FCO 13-164](#) Appeal of Leslie K. Lucht to a Correction Notice-Reinspection Complaint at 685 VAN BUREN AVENUE.

Sponsors: Khaliq

Grant until September 1, 2013 or after for compliance.

RE: 685 Van Buren Avenue (Duplex)

Leslie K. Lucht, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice due to a complaint that came into the office*
- inspection conducted Jul 2, 2013 by Inspector Lisa Martin*
- re-inspection scheduled Jul 31, 2013*
- appeal is for additional time to get the repairs made*
- he spoke with owner; the majority of the issues have been taken care of*
- there may be some landlord/tenant disputes; in process of evicting the tenants*

Mr. Lucht:

- the CO, smoke detectors and leaking toilet have been taken care of*
- is asking for a 30-day extension*
- tenant is in the process of leaving; Good Will Easter Seals said that they would pay her remaining rent*
- she had a Notice to move out 60 days ago as of Aug 1, 2013*
- the repair issues are caused by the tenant*
- they are afraid that if they do the repairs before this tenant leaves, the repairs won't stay*
- everything was up to code last fall; she moved-in and things started to go to pot*
- she doesn't have the money to pay for the repairs*
- she also has refused entry to him a couple times after he gave her proper notice*

Mr. Neis:

- the Appellant has contacted their office to see if there was anything they could do to help him gain access to make the repairs; tenants were less than cooperative*

Ms. Moermond:

- current deadline is Jul 31*
- will recommend granting an extension to any time on or after Sep 1, 2013*

Referred to the City Council due back on 8/21/2013

- 38 [RLH FCO 13-171](#) Appeal of Tim Wolfgram, Minnesota Wild Offices, to a Fire Certificate of Occupancy Correction Notice at 317 WASHINGTON STREET.

Sponsors: Thune

Grant the appeal on condition that one of the exit signs be removed to clarify exiting route. (See photos attached to file.)

RE: 317 Washington Street (Club/Association Hall-D-Recreational)

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice on the Minnesota Wild Office*
- appealed is #10 on deficiency list - for the lobby to maintain a walk-up exit due to inadequate number of exits*
- inspected the property and photographs with the Fire Commercial Supervisor, Angie Weise and they believe that this can be alleviated by simply removing the exit sign that's in place*
- the third exit is in a location where you have to pass by the second exit so, it's not feasible for someone to pass by an exit only to go to another exit which is farther away*
- there are very detailed photographs in the file*

Ms. Moermond:

- will write a letter telling them that if they remove the particular sign, she will recommend granting the appeal; if they are good with that, it's done; if not, we will see them back here on Aug 6, 2013 LH.*

Referred to the City Council due back on 8/21/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 39** [RLH VBR 13-48](#) Appeal of Teresa Mors to a Vacant Building Registration Requirement at 1064 ROSE AVENUE EAST.

Sponsors: Bostrom

Deny the appeal to be out of the Vacant Building Program.

RE: 1064 Rose Avenue East (Single Family)

Teresa Morse, owner, appeared.

Inspector Matt Dornfeld:

- this was a Condemnation by Code Inspector Paula Seeley on Apr 25, 2013*
- her notes read: at the time of the Condemnation she was met by Officer Dean Keenan at the property*
- at the property, they met with the owner, Teresa, who explained that the house was over-occupied and it needed an inspection*
- there were 9 people living in the house; the house was filthy; mold on bathroom walls; soiled clothing on several floors; holes in some of the walls; kitchen sink not working-waste line plugged somewhere; extension cords used in lieu of permanent wiring; illegal basement bedroom; everytime the police go to the property, the same number of people are there; police check for possible stolen property; excessive clutter around furnace and water heater; cat feces on the floor; litter box full; electrical receptacles broken; and illegal wiring on light fixtures in the basement; laundry tub full of garbage; faucet leaking*
- Inspector Seeley Condemned at the time and transferred it to the Vacant Building Program*
- a VB file was opened Jun 24, 2013 by Inspector Rick Singerhouse*

- in the mean time, there have been several complaints about illegal occupancy (once received Jul 2, 2013; another received Jul 15, 2013, which reads: running electrical cord at night from 1164 Earl)
- Summary Abatement was issued to have the doors clipped; done by RESPRO (Jul 2, 2013); clips were documented removed Jul 8, 2013
- cannot confirm vacancy

Ms. Morse:

- is appealing the VB status
- she was sick through most of that time; Drs haven't figured out what's wrong with her yet
- does have most items fixed: sink is unclogged; wiring is done
- they have been staying in motels
- their house has been broken into twice; the garage has also been broken into; a lot of their stuff is missing
- they are trying to get everything done but she has been sick for 2 1/2 months - running back and forth to the emergency room while she was trying to get this all done; in the meantime, her electricity has been shut off because she has been paying for hotel rooms; she finally found a friend with whom she can stay and she's back to work (the 3rd week she's been back to work)
- will finally get a pay check this coming Fri; in the mean time, they switched off the electricity; will need to get that paid before they can move back in; she tried RAP (they said, "No"); will try another organization; will get the water turned back on this pay check
- believes that only the back stairway and back door needs to be repaired
- need CO detector and a battery for the smoke detector
- almost everything is moved away from the furnace and water heater

Ms. Moermond:

- asked how the house got into this state

Ms. Morse:

- this has happened over the last couple of years after husband passed away
- she now has just her pay check to cover everything and she also made some bad choices with the people who moved in
- only people who will move back in are her and her son

Ms. Moermond:

- problem: when houses get to be in this bad of condition, they are not only Condemned but they need to go into the VB Program and when you end of there, you have to bring the house up to minimum code standards
- the way you get to move back into the house, is to address a different list of items, which is generated from a Code Compliance Inspection Report
- believes that Ms. Morse will need some help to do this
- the house was Condemned; the conditions justify the Condemnation
- there's a lot more that needs to be done; perhaps, at least a few thousand dollars worth of repairs (look into a nonprofit that could help out with a loan or a grant); Dayton's Bluff Neighborhood Housing Services; Project Hope, Southern Minnesota Regional Legal Services)

Mr. Dornfeld:

- call Jim Seeger, 651/266-9046 to apply for the Code Compliance Inspection (4 tradesmen will go in and inspect from top to bottom: warm air ventilation; building; plumber; and an electrician)
- they will create a list of their findings
- Appellant must pull all the necessary permits and have the work done by licensed

contractors up to minimum code standards
- those same inspectors will inspect the work that is done and sign-off on it
- when all the permits are closed out, that's when the Appellant would be able to legally occupy the house again
- \$470 for the inspection

Ms. Moermond:

- call Xcel to work out a payment plan (Ms. Morse said she tried that but Xcel said that they needed the whole payment)
- denied the appeal to be out of the VB Program

Referred to the City Council due back on 8/21/2013

40 [RLH VBR 13-42](#) Appeal of Philip J. Black to a Vacant Building Registration Notice and Summary Abatement Order at 773 SEVENTH STREET EAST.

Sponsors: Lantry

Deny the appeal to be out of the Vacant Building Program.

RE: 771-773 Seventh Street East (Duplex)

Philip J. Black, Certificate of Occupancy Responsible Party, appeared on behalf of the owner, Hua Ying Gao

Fire Inspector A. J. Neis:

- Revocation of Fire Certificate of Occupancy and Order to Vacate
- this property was at a previous appeals hearing in which it was granted to have all the work done except for a bathroom fan by Jun 21, 2013
- they failed to comply - the work isn't done
- they had been granted another extension to Jul 1, 2013 and the work still isn't done

Mr. Black:

- we had to reinforce the porch; there's still too much deflection - doesn't know what exactly the city wants them to do with the porch: tear it down or what
- there were 46 items on this list most of which have been like this for many, many years, long before these guys bought the property
- there was a C of O inspection back in 2009; where was this list back then?
- now, there are 8 items left, which are all done except for the bathroom vent
- he is trying to figure out what makes this house a Category 2
- how did it turn from a Category 1 to a Category 2 right away; it was the same

Ms. Moermond:

- there are multiple code violations and it's empty

Mr. Dornfeld:

- the Ordinance states, if the house is vacant, if there is a Revoked C of O and there are multiple violations, which have been documented, the building automatically turns into a Category 2 (it doesn't make any difference what kind of violations there are)

Ms. Moermond:

- at the deadline, things weren't complete; at the extension deadline, things weren't complete; now, you are here later saying that you're almost done now
- the decision of being a Cat 2 VB was made at the earlier junctures that if you didn't meet those deadlines, you would be in the VB Program
- the deal was that the Appellant be done with the lists earlier (extra time was given)

twice)

Mr. Black:

- he has a good sense of what he thinks will pass inspections and most inspectors would say, "Yeah, this is fine but Leanna and Bill were not seeing it that way; and when he asked them what would be acceptable, they couldn't tell him,"
 - Inspector Shaff said she wouldn't walk down those steps; she felt they were too dangerous but the 400 lb person who lived there didn't have a problem with it
 - they went over and above what they had to do (put in chimney liners - not on the list); they took care of all the safety issues in the building - all done by licensed contractors; spent over \$10,000

Mr. Neis:

- permits pulled under 771: plumbing pulled Jun 20, 2013 - finaled and approved
 - electrical pulled May 2013 - finaled and approved
 - back hoe permit finaled and approved in 2013
 - replaced 2 dryer vents and chimney liners (permit not yet been finaled; attempt was made)
 - stairs: looking at photos - there are some areas of concern - L brackets have been installed, which are not intended to be used for structural design to try to shore up the staircase; he sees protruding screws on the handrail and guardrails and they are warped and splintered; based on those photos, he would concur with Leanna's assessment; photo #8 - appears to be a rotted 2 x 4
 - they are in the prevention business and this could fail at any time

Ms. Moermond:

- will recommend that the VB fee be waived for 3 months
 - in those 3 months, you will have to pass a team inspection - get a Code Compliance Inspection
 - months 1-3 = VB fee waived
 - months 4-6 = VB fee cut in half
 - anything beyond 6 months, you pay the whole VB fee
 - at City Council Public Hearing Aug 21, 2013

Referred to the City Council due back on 8/21/2013

41 [RLH VBR 13-43](#)

Appeal of Thomas McDonough to a Vacant Building Registration Notice and Summary Abatement Order at 1478 SHELDON STREET.

Sponsors: Stark

Tenants have until 8:00 p.m. Wednesday, July 24, 2013 to remove all personal belongings. Owner has until close of business on Monday, July 29, 2013 to come into compliance with the summary abatement order; waive the Vacant Building fee for 90 days. (NOTE: no full dumpsters sitting on property overnight or over the weekend).

RE: 1478 Sheldon Street (Single Family)

Thomas McDonough, owner, appeared.

Tenants, the Wikas, appeared with their attorney, Steven Appelget.

Neighbors appeared: Malcolm Evans; Allen Grilliot; John Schomaker; Bernadette Mahan; Grace Evans (from 1474, 1478, 1477, 1486 Sheldon)

Fire Inspector A. J. Neis:

- Notice of Condemnation / Unfit for Human Habitation and Order to Vacate dated Jul 8, 2013 by Mr. Neis, who assisted Fire Inspector Lisa Martin at the property due to a

complaint that came in by the tenants

- *Orders were issued and a Fire Certificate of Occupancy inspection was scheduled*
- *during that time, their office was contacted by the tenants, who had made some allegations; in addition, they did not want Fire inspectors at the property at that time; they wanted additional time to allow them in because they were concerned about how those code violations would affect them; however, they still called saying there were these code violations on the property*
- *Mr. Neis advised the tenants that he was not going to re-schedule the C of O inspection; subsequently, on Jul 8, 2013, Fire inspectors Lisa Martin and himself, and the Police Dept went out and conducted an inspection of the building*
- *during the inspection, they were met by the Appellant, Mr. McDonough, in addition to the tenants, who were living at the property*
- *the minute they opened up the door, they experienced a grotesque and extremely foul smell coming from the home (a police intern had to leave the property due to the smell and Ms. Martin could also not continue the inspection)*
- *also upon entry, they were greeted by thousands of cockroaches (throughout the home); garbage scattered throughout the property; the conditions were unlivable and unbearable*
- *they advised the Occupants and the property owner that the conditions were not habitable*
- *was unable to complete a full C of O inspection due to the amount of garbage and debris scattered throughout the property*
- *grossly unsanitary; uninhabitable; excessive accumulation of materials; unsafe*
- *photos were taken; they are self-explanatory*
- *the Condemnation Order was issued*
- *he gave a 4-day notice to vacate the property, in which time there was an emergency hearing conducted by Ms. Moermond*

Matt Dornfeld, Vacant Buildings:

- *file was turned over immediately; he opened a Category 2 Vacant Building*
- *he was out at the property but wasn't fortunate enough to gain access*
- *he documented hundreds of cockroaches crawling on the interior windows of the front porch*
- *the front porch was cluttered and unsanitary*
- *there was a white SUV with a flat tire parked on the street; parking enforcement was contacted*
- *he posted placards and took photos*
- *has been in contact with the property owner, Mr. McDonough*
- *there are multiple concerned citizens, who are here today; some would like to be heard; some are affected by these cockroaches*
- *the neighbors have been living around this for years and years*
- *this situation needs to improve fast*
- *it is impossible to inspect the house fully in its current state; one couldn't access what one needed to inspect*

Mr. McDonough:

- *is not appealing the fact that the living conditions are deplorable in this home*
- *he has over 30 years experience in managing property and he has never seen anything like this; it's awful!*
- *is asking that the city stay the enforcement of a Cat 2 VB for a period of time, if possible, for 60 days*
- *it hasn't been able to be inspected because of the clutter; he'd like to remove that clutter*
- *he doesn't believe that the house has a mechanical or structural issue; it's completely an issue of the contents in the property; once the clutter is removed, he thinks the inspectors will agree that the property is in good condition*

- he had hoped to abate the property sooner
- he contacted the tenants on the evening of Jul 11 because the Order was to Vacate by close of business on Jul 12; the tenants informed him that they were working with an attorney, Steven Appelgett, to try to stay longer
- he was contacted the following morning by a Fire inspector, asking him to consider allowing additional time for the tenants to remove their belongings and so they worked out a plan to do so; we allowed them until 6 p.m. on Thur Jul 18, 2013 to remove their belongings
- in the meantime, on Sat Jul 13, 2013, he had an exterminator come to exterminate the place; they repeated that twice more: Jul 18 and Jul 22
- can't really do a thorough job of exterminating until the house is emptied; there's too much debris to be able to tell whether or not all the cockroaches have been killed
- the property was transferred to an LLC, Wisdom LLC (he and his cousin purchased the property approximately 24 years ago)
- they contacted a couple of private firms to empty the building: 1) has trucks; they fill the trucks and pull away; 2) another will fill dumpsters and we have some concerns about that
- he has talked with Mr. Dornfeld about the possibility of using city services, even though, they have been apprised of the expense; it may be the best way to go; his concern is having trash in a dumpster on the street because of the infestation
- perhaps, the smartest thing is to have the city do the abatement; they can back a truck right up to the door and remove it
- he estimates the debris to fill 2 40-yard dumpsters and they don't have room to put 2 40-yard dumpsters in front of the building; they would have to do it over a 2-day period and they would need to remove a dumpster immediately after loading; the dumpster could sit overnight if a truck weren't able to pick it up right away (big concern)
- he'd like a plan
- has documentation of the 3 extermination treatments that were done (VIP Pest Control); residual application spray and fogging on Jul 13, Jul 18 and Jul 22; the garage is also infested

Mr. Neis:

- he spoke with the tenants and Mr. Appelget sometime around Jul 12, 2013 and he asked if they would be able to have additional time; Mr. Appelget left him with the understanding that the tenants were going to be out within 3 days

Ms. Moermond:

- read the documentation from VIP Pest Control (attached)
- understands that Mr. McDonough: 1) doesn't want to be a Cat 2 VB and get a Code Compliance inspection; 2) wants a delay on the VB fee; and 3) prefers that the city clean-up the property instead of him

Mr. Appelget:

- his clients have moved out their persons and they have moved a bunch of their belongings but not everything
- they are here mostly, to listen to the city's plan for this situation
- his clients would like to have 3 days to get things out; mainly, to sort
- only one 18 year old girl and one 12 year old boy are actually physically capable of moving things
- they are going to have to end up abandoning a lot of property
- they are very happy to have this placed bug-bombed

Mr. Malcolm Evans:

- read the letter he prepared (attached)

Mr. Allen Grilliot:

- lives at 1474 Sheldon St, next door
- they do have roaches; has contacted a pest control company
- he asked that there are no stays or delays given
- he sent a letter to DSI describing the decline of the property (the garage is falling apart; it appears that they tried to fix a leak on the roof); Mr. Dornfeld Email that letter to Legislative Hearings
- moved in 1999 and since then, it's been a problem
- he asked that the Appellant be subject to a full code compliance inspection and that there be a review process for what permits were pulled and what work has been done up to code
- again, asked that there be no delays as it moves forward through the system

Mr. Dornfeld:

- we need to move expeditiously on getting this taken care of
- 10-14 days has been enough time to remove the necessary belongings from the house
- if this can't be done by the tenants themselves, they can hire someone to do it (that hasn't happened)
- by extending this out and dragging it on creates more problems for those that are innocent and being affected
- we need to do this immediately

Mr. Neis:

- concurs 100% with Inspector Dornfeld's statement
- he would be concerned about how infested the possessions are while they are removing them from the property
- his concern 2 weeks ago was that if this went on any longer, surrounding buildings would become infested and so they have
- delays are just going to cause other surrounding properties to be affected

Ms. Moermond:

- has had the opportunity to do a lot of research on German Cockroaches, extermination and hoarding issues; typically, we see mice with hoarding; sometimes bedbugs, cockroaches, etc.
- this is quite serious
- does not concur that the building condition underneath the hoarded items is necessarily, good; she thinks that there are indicators in the Fire C of O inspection that there are underlying problems
- thinks that this is appropriately categorized as a Category 2 VB, which means that it needs to go through a code compliance inspection - a list of items will be created by each of the 4 trades inspectors at a minimum compliance level
- wants to get to the bottom of all the building's problems
- re: cleaning out the property and allowing tenant access -- logistical issues and getting the exterminators in:
- she spoke with the City Attorney about her concerns: if Mr. McDonough, privately, takes care of the exterminations, he needs to contact the tenants and make arrangements for their access; if the city becomes involved, she feels that it's important that the tenants are allowed a brief period of time to be able to recover their materials; therefore, whether or not Mr. McDonough does the clean-up or the city does the clean-up, she thinks that a brief period of time should be made available for the tenants (she doesn't want that to be a reason for Mr. McDonough not to take on the clean-up)
- from 8 am - 8 pm tomorrow and Thursday, there will be tenant access to the property
- Fri, Jul 26, the dumpsters can be there working on the clean out

- if the city does this, the charge is going to be exorbitant and she is not thrilled about the city taking on liability for a problem that it did not at all create but is rather doing enforcement for public health and safety reasons

- Mr. McDonough doesn't want to do the clean-up because he's concerned that the dumpsters can't get in and out fast enough, which means that the cockroaches might jump out of the dumpsters and into the neighbors' property and that would be on him as opposed to the city dropping off the dumpster in the morning, having crews go in and shovel it out, and then, bringing the dumpster out at the end of the day; although, the city would be using the same kind of contractors that Mr. McDonough would be using

Mr. Dornfeld:

- he and Mr. McDonough were brainstorming about this yesterday; and he, thinking out loud, thought that possibly the city would back-up garbage trucks right to the front door; it could be compacted immediately and then be hauled away; that could be done as many times as necessary (has no confirmation or approval on that); he spoke with Mr. Magner about that, as well; Mr. Magner mentioned the large hourly charge that would go with that (these would be Public Works trucks)

- he has been to many gross insanitarities where the city just backs up the truck and goes at it; they run the compactor right there and throw more in until it's full; they go unload and come back for more

- he doesn't foresee the city putting commercial dumpsters out there

- Skip handles the crews in those circumstances

Mr. Neis:

- they did a very similar abatement right across the alley way from this property (after a fire); done by the city based on the circumstances

Ms. Moermond:

- a 5 minute recess was taken for Mr. Dornfeld to contact Skip about this; if he's willing to take this on, she can see her way clear on coming up with an arrangement where the city could do this

- the neighbors are still going to have problems that are generated from this property

(after the recess)

Ms. Moermond:

- she feels like it's legally incumbent upon the city to allow 48 hours for the tenants to get out more of their personal items

- after that, action needs to happen very quickly

- she would like to see McDonough take care of business on this issue

- Mr. Dornfeld has significant valid concerns about the quality of work that we may/may not see from a contractor that you hire

- Mr. Magner said that McDonough has been in the business for a long time and knows some contractors; he will know how to manage this kind of situation and if he wants to, he can have this taken care of by close of business this Fri, Jul 26, 2013

Mr. McDonough:

- has some concerns; he does want to take responsibility

- concern: he does not believe that he can get more than one 40-yard dumpster in front of that building unless they park it in front of one of the neighbors' house; he believes this will be a 2-day project; and if something goes wrong on Fri and a dumpster sits there - it will be there until Mon; he would have to rely on the contractor because he has no way to haul it away himself

- if can start earlier than Fri, he can get it done

- he has an agreement that was signed with the tenants that they would have until 6

pm last Thu to get this all out (negotiated in on Jul 12); they were given until Jul 18 and it didn't get done

Mr. Dornfeld:

- under no circumstances, can that dumpster sit there for a weekend; that can't happen; that's not an option

Ms. Moermond:

*- if the dumpster is there on the weeked, a Criminal Citation will be issued
- if the work isn't done on time, not only with the Appellant be charged for the remainder of the work, there will also be a Criminal Citation
- this has to get done and it has got to get done right
- city budgets are being choked on other projects; she doesn't have enough resources to deal with this*

Mr. McDonough:

- he has never had to deal with anything like this and he is trying really hard to get this done

Mr. Neis:

- in addition to getting this done sooner rather than later, it was under the mutual understanding that the tenants were supposed to have all of their belongings out by the 15th and the Appellant has a written agreement that they were supposed to have all their stuff out

Ms. Moermond:

*- the tenants will have from 8 am - 8 pm today and from 8 am - 8 pm tomorrow
- then, Mr. McDonough will have until close of business Mon, Jul 29, 2013 to wrap this up (no dumpsters overnight; no dumpsters over the weekend)*

Mr. McDonough:

- he will have a dumpster out there sometime on Wed, Jul 24 (Mr. Appelget: we'll make sure the truck is no longer parked in front of the house)

Ms. Moermond:

*- this house does need to be registered as a Vacant Building, Category 2
- if the Orders are fulfilled within 90 days, she will recommend that the VB fee be waived for that time period
- clean-up needs to be done by close of business Mon, Jul 29, 2013
- City Council Public Hearing Wed, Aug 7, 2013 at 5:30 pm*

Referred to the City Council due back on 8/7/2013

Staff Reports

Window Variances: No Hearing Necessary

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[RLH FCO
13-168](#)

Appeal of Michael and Stephanie Huber to a Correction Notice-Fostercare Inspection at 1697 HUBBARD AVENUE.

Sponsors: Stark

Grant a 7-inch variance on the openable height of the egress windows in the main floor northeast and northwest bedrooms. (No hearing necessary)

Referred to the City Council due back on 8/21/2013

43 [RLH FCO
13-170](#)

Appeal of Tammi Timm to a Correction Notice-Daycare Inspection at 1341 ROSS AVENUE.

Sponsors: Lantry

Grant a 7-inch variance on the openable height of the egress windows in the northeast and southeast bedrooms. (No hearing necessary)

Referred to the City Council due back on 8/21/2013