

MINUTES OF THE LEGISLATIVE HEARING

Excerpt Pertaining to J1102A Property Clean-Ups from July 30 to August 12, 2010

October 19, 2010

101 Sycamore St East (J1103A) – approve the assessment

No one appeared. Ms. Moermond recommended approving the assessment.

2095 Jessamine Avenue East (J1103A) – delete the assessment;

Robert Stein, appeared.

Ms. Moermond noted that this assessment is for tall grass and weeds at a vacant building.

Mr. Stein explained that 2095 Jessamine Avenue East is a property that is for sale. He has many properties on the East Side of Saint Paul. He has hired a lawn service and has invoices for work done. Maybe they didn't actually go out and do the work. He was hoping to see proof of the tall grass and weeds.

Mr. Yannarely reported that a Tall Grass and Weeds Notice was mailed out on August 6, 2010 with a compliance date of 72 hours. On August 12, 2010, Inspector Nelmark granted a 4-day extension. He re-checked on August 16, 2010 and found it still non-compliant. He sent a Work Order to Parks; they did the work on August 18, 2010 at the cost of \$160 with a service charge of \$140 totaling \$300.

Ms. Moermond asked to view the video. Mr. Stein said that the grass didn't look very tall to him; Ms. Moermond agreed. He stated that he has invoices for August 16, August 28 and August 5, 2010.

Ms. Moermond will recommend deleting the assessment.

103 Magnolia Ave W (J1103A) – LO

Mr. John Ronning appeared.

Ms. Moermond requested a staff report. Mr. Yannarely reported that this nuisance was a tree debris on east side of yard and in small trailer. The Summary Abatement Order was issued on August 10, 2010 with a compliance date of August 16, 2010. It was re-checked on August 16 and found to be non-compliant. A Work Order was sent to Parks and the job was done on August 19, 2010 at a cost of \$558 plus a service charge of \$140 for a total of \$698.

Mr. Ronning stated that the debris on the trailer was put on there the day before Parks came and got it; it was not on the original notice. The debris on the trailer was bushes and weeds from the fence line on the other side of the yard. The original notice was sent for grass and the bushes. The tree fell down in a storm and the City said that either he could take care of it or they were going to have someone come to remove the tree and the branch, which was scheduled to be done. He doesn't think that he should be charged twice for the same project. He objected to Parks taking and charging what had been on the trailer when it had not been on the original notice.

Ms. Moermond asked to see the Summary Abatement Order. Notes from Mr. Kalis on August 9, 2010 indicate: 1) tall grass and weeds; and 2) tree refuse in back yard. On August 16, 2010, he notes: 1) vacant and secure; 2) placard still up; 3) yard cut but tree refuse still there; 4) car still there. Work Order sent on tree refuse. Mr. Ronning stated that before this, it had already been scheduled to remove the tree.

Ms. Moermond requested the video. She asked if the tree had been a diseased tree. Mr. Yannarely responded that they have no records of diseased trees. Mr. Ronning replied that one of the big branches fell in a storm; the tree was over 100 years old and was not a diseased tree. As soon as he received the notice from Forestry to take down that tree, he called to appeal and Forestry said he couldn't; the Orders had already been issued. Ms. Moermond took another look at the video. She is going to check to see if the record shows a contradicting set of Orders from Forestry. She will make her decision in two (2) weeks.

Mr. Yannarely notice a notation in the file: there was a removal of a diseased/dangerous tree in September for a cost of \$1,692.85 (pending assessment). Ms. Moermond would like a copy of that.

Ms. Moermond recommended a two (2) week layover (November 2, 2010).

1631 McAfee Street (J1103A) – rescheduled to Nov. 2 from Oct 19;

No one appeared. The Legislative Hearing was rescheduled to November 2, 2010 from October 19, 2010.

255 Point Douglas Road North (J1103A) – no show; approve the assessment;

758 Reaney Avenue (J1103A) – delete the assessment;

Mr. Shane Paulson, owner, appeared.

Ms. Moermond asked for a staff report. Mr. Essling reported that a Summary Abatement Order was mailed August 18, 2010 regarding a mattresses, broken sofa and TV near the dumpster and alley. The compliance date was August 23, 2010. It was re-checked August 23 and found to be non-compliant. A Work Order was sent to Parks; the work was completed on August 24, 2010 at a cost of \$364.00 with a service charge of \$140.00, totaling \$504.00.

Mr. Paulson stated that this debris was left at 756 Reaney Avenue, a vacant lot next door to his property with a fence around it. It has been a magnet for dumping junk. He has his dumpster placed near the vicinity but the junk that was left was not on his property.

Ms. Moermond asked to view the video before and after inspection. Ms. Seeley noted that the dumpster is placed in front of 756 Reaney, a vacant lot. The day that this debris ended up here it was, she called Veolia, which told her that interpreters for the Somali family that lives at 758 Reaney admitted that it was their debris. A social worker, who was helping the Somali family, tried to get rid of the mattresses, so the inspectors know that the debris came from 758 Reaney. Ms. Seeley said that Mr. Paulson needs to place the dumpster next to his garage on his property. Ms. Moermond noted that if the tenants at 758 are dumping on 756, the recourse would be a criminal tag for allowing that to occur. Mr. Paulson stated that if there is something that proves it, he will gladly hold them accountable. When Mr. Paulson investigated that possibility, he got a different story; and some of the neighbors said that they saw other people dropping off stuff. Without having photographs showing who put it there, it leaves him in limbo. Mr. Paulson explained that the reason that the dumpster has slowly wandered down the alley is because Veolia has put it there; and he believes that it could be an access issue. He believes that it's easier for the truck drivers to set it in front of 756 Reaney.

Ms. Moermond stated that she will need to let Mr. Paulson off the hook on this because the debris was on a property that was not his but because it's his dumpster and it's his tenants, she finds it wrong for the tax payers of the City to have to take responsibility for making sure that his garbage is picked up after it's been put onto the wrong property.

Ms. Moermond will recommend deleting the assessment.

481 Saint Anthony Avenue (J1103A) – laid over to Nov. 2 from Oct. 19 (MM to look at orders);

Ms. Brenda Hall appeared.

Mr. Yannarely stated that Orders were issued on August 17, 2010 to remove junk, toys, furniture and loose litter that were strewn throughout the yard with a compliance date of August 22, 2010. His property was rechecked on August 24, 2010 and found to be in noncompliance. A Work Order was sent to Parks; they performed the abatement on August 26, 2010 at a cost of \$372 plus \$140 service charge for a total of \$512. The Abatement Order was sent to Brenda Hall at 13609 Pleasant Lane, Burnsville, MN and they have not received any returned mail.

Ms. Hall stated that she is appealing this assessment because they did not put those articles in the yard and they don't know who did. When they clean-up a property, they get a dumpster. Her husband checks on the house on weekends. The house had been condemned. The tenant left in July with her seven (7) children without notice. Ms. Hall added that they changed the locks, which look as though they had been jimmed but she didn't think anyone got in. They changed the locks again.

Ms. Moermond asked to view the video which showed junk, toys, furniture, carpeting, etc, strewn on the ground around the yard which was removed by Parks. Ms. Moermond noted that it looks as though it's tenant dumping. There was a time period of nine (9) days between when the Orders were issued and when Parks cleaned up. The time did include a weekend. Ms. Hall

responded that her husband was out of town weekend. Ms. Moermond noted that the clean-up is the Hall's responsibility no matter who put it there. Ms. Hall replied that she understood.

Ms. Moermond asked about the history on this address and if there was a close file. Mr. Yannarely responded that it looks as though another assessment is coming for clean-ups between August 31 and September 16, 2010 in the amount of \$185. He added that this has been a vacant building since August 18, 2010. Ms. Hall said that they have taken out contracts for repair work on the house.

Ms. Hall said that they had also requested a Certificate of Occupancy Inspection. Ms. Moermond asked why the house was condemned. Ms. Hall responded that the tenant had her electricity shut-off in the summer, only Ms. Hall was not aware of it right away. The tenant later told Ms. Hall that she was unable to pay the bill. Ms. Hall noted that when the tenant moved in, they paid her utility bills for six (6) months to help her get on her feet. Obviously, she never did get on her feet.

Ms. Moermond recommended laying this matter over to the November 2, 2010 Legislative Hearing to check on up-coming Orders and the next tax assessment.

822 University Avenue West (J1103A) – approve the assessment payable over two years;

Florence Marco appeared.

Ms. Moermond requested a staff report. Mr. Essling reported that a Summary Abatement Order was issued August 13, 2010 with a compliance date of August 18, 2010. The address was re-checked on August 19, 2010 and found to be in non-compliance; the Work Order was sent to Parks

and the work was done on August 24, 2010 at a cost of \$878 plus a service charge of \$140 for a total of \$1,018. The nuisance was a failure to maintain exterior property with tires (\$330 fee), a tank and a radio. The notice was sent to both Antonio Marco and Occupant at 822 University Avenue West.

Ms. Marco stated that all of this has been very confusing. The tires didn't belong to her. Her son had put a tank in back of her house along with a few tires. Others brought more tires. She had been sick off and on during the summer and in the hospital off and on and wasn't aware of the first letter.

When the next letter came, she called some people to come and take away the tires but not the tank.

But the City must have come first and took everything.

Mr. Essling stated that he inspected this property and there were forty (40) tires on the property, a tank and a radio. On August 19, he had a phone conversation with Ms. Marco's son who lives at the property. Mr. Essling advised him that the Work Order had already been sent to Parks. The son told Ms. Essling that he had removed thirty (30) of the tires already and would be removing the rest of them. Mr. Essling then told the son to put a sign on the remaining tires saying that he was

going to remove them that day and get ride of the tank immediately. Ms. Marco replied that her son's truck broke down so he had no way to remove it and there was nothing to put it into.

Ms. Moermond asked to view the video to see whether there was a sign on the tires. The video Showed that the work crew found thirty-two (32) tires and the tank was still there. Ms. Marco Stated that she didn't know how many tires there were and the radio was not hers; it must belong to

the folks next door. She apologized and noted that when her husband was still alive, he kept everything looking good. Since she's been sick and in the hospital, she hasn't been paying much

attention to her mail. She thought that the tires had been taken away by the people she called to

do it and found out later that it had been the City that took them away.

Ms. Moermond stated that she was sorry Ms. Marco had been sick this past summer; but noted that it sounded as though her son had been in contact with the City. **She will need to recommend that the City Council approve this tax assessment.** Ms. Marco stated that she didn't know how she was going to pay the City; she is on Social Security and has a mortgage on her house. **Ms. Moermond stated that the best she can do is to have the payments divided**

over a period of two (2) years. Ms. Moermond added that since these items were her son's, maybe he needs to take responsibility for paying her but that is a private matter between her and

her son. She noted that this tax assessment won't accumulate any interest on it until 2011 and it

won't go onto her taxes until 2012.

Ms. Moermond will recommend approval of the assessment, payable over two (2) years.