



# 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*

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Tuesday, March 3, 2015

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1 [RLH TA 15-161](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 1126 ALBEMARLE STREET.
- Sponsors:** Brendmoen
- Houa Yang, owner, appeared.*
- Inspector Matt Dornfeld, Vacant Buildings:*
- Annual Vacant Building 2014-2015 fee assessment appeal cost: \$1440 + \$155 service charge = \$1595
  - VB file was opened Oct 1, 2013
  - all trades permits remain open; rehab work is on-going
  - VB fee extension was given to property owner on Sep 23, 2014 for 90 days
  - owner called Dec 31, 2014 requesting another VB fee extension; he was advised to file an appeal at that time
- Ms. Yang:*
- the work will be completely done by Jun; nearly everything is completed now
  - we need to paint the walls, change the carpet and then, it's ready to move in
  - working very hard every day; things just take longer than she expects
- Ms. Moermond:*
- City Council Public Hearing Apr 15, 2015; that will be 6 months after the anniversary date; and you're saying it won't be done until Jun and at that time, it will have been in the VB Program 8 out of 10 months of the year, which is telling her that it should be approved for the entire year
  - if you get the Code Compliance Certificate earlier, contact our office and we'll prorate it a little
  - will recommend approval divided over 3 years
- Approve and spread the payments over 3 years.
- Referred to the City Council due back on 4/15/2015**
- 2 [RLH TA 15-152](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805, at 1125 BEECH STREET.

**Sponsors:** Lantry

*No show; approve.*

**Referred to the City Council due back on 4/15/2015**

- 3     [RLH TA 15-157](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 695 BLAIR AVENUE.

**Sponsors:**     Thao

*Per owner's request; rescheduled to 3/24/15*

**Laid Over to the Legislative Hearings due back on 3/24/2015**

- 4     [RLH TA 15-143](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 990 BURR STREET.

**Sponsors:**     Brendmoen

*Delete due to question of property line and where debris was. No hearing necessary.*

**Referred to the City Council due back on 4/15/2015**

- 5     [RLH TA 15-167](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 1751 BUSH STREET.

**Sponsors:**     Finney

*Dennis Peabody, owner, appeared.*

*Inspector Paula Seeley:*

- *Excessive Consumption fee for failure to remove trailer from grass*
- *Orders sent Oct 14; compliance Oct 20; re-checked Oct 20*
- *sent Excessive Consumption fee*
- *after the fact, owner filed appeal Nov 4, 2014*
- *he was told to remove from the grass, apply Class 5 and contact Zoning for Site Plan Review*
- *photos on the screen*

*Mr. Peabody:*

- *Zoning approved 30 feet from the alley way back; it's been inspected and signed-off*

*Ms. Seeley:*

- *4-28-09: legal nonconforming; office received an affidavit from the neighboring home owner stating that the driveway has been gravel and not paved since 1972; Zoning accepted the affidavit and grants legal nonconforming status to your existing driveway; if you plan to expand the area of your driveway, you must submit a site plan showing your proposed expansion; please contact Zoning*
- *there should be a site plan on file*
- *none of those vehicles are where they are supposed to be*
- *had a chance to look at the photos and site plan*
- *the site plan was approved Nov 14, 2014*

*Mr. Peabody:*

- has a copy of the letter from DSI and the site plan

Mr. Peabody:

- entered the documents and photos
- inspector looked at this and said it was OK, and signed-off
- there's a boat trailer up on blocks right now, the inspector saw that and he asked him which was the one that was sunk in; so, he showed him
- he showed the inspector where 30 feet back ended

Ms. Moermond:

- these look different from those (scanned Mr. Peabody's photos and document)

(Ms. Moermond and Ms. Seeley discussed the photos and approved site plan)

Ms. Moermond:

- she is concerned about the space between the buildings
- would like to have the site plan review people go out to check it
- the inspector is telling her that the area covered with gravel exceeds the amount that is specified in the site plan and the Appellant is saying that he has it exactly as the site plan says

Mr. Peabody:

- the inspector who came out and approved it said that everything looked fine and he signed off
- he saw exactly where the 36 feet or whatever it was ended up in the middle of the yard; from the alleyway to the house is 61 feet

Ms. Moermond:

- took a scan of the other diagram Mr. Peabody had
  - will LAY this OVER for 2 weeks to have people to go out and check it out
  - if the inspector granted you something in error, that will be waived in your favor; if the inspectors differ, we will sort it out
- Layover for 2 weeks. Zoning inspector to go to site.

**Laid Over to the Legislative Hearings due back on 3/24/2015**

**6**      [RLH TA 15-170](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 971 CENTRAL AVENUE WEST.

**Sponsors:**      Thao

*Don Rora, son of owner, Louise Rora, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement was issued Dec 17, 2014; compliance Dec 23; re-checked Dec 23: mattresses still in alley and rear yard
- work done Dec 29, 2014 for a cost of \$260 + \$160 service charge = \$420
- sent to: Louise Rora, 971 Central Ave W; and Occupant
- we had returned mail from the Occupant - marked VACANT
- in bold letter: mattress in rear yard near alley

Mr. Rora:

- mom had an electrical fire at the house
- the house was gutted
- there was a dumpster in the back for a while
- obviously, she did not live there at the time; she moved to an apartment while they

were working on the house  
 - they had her mail forwarded thru the Postal Service; but right at that time, the forwarding may have expired because they had to go back and re-forward it again; perhaps that's why they didn't get the letter until later  
 - in other words, they weren't living there at that time  
 - he spoke with Joel Essling as soon as he got this Notice; he said that someone was already on their way over to pick it up and we would probably not get there in time to remove it  
 - has received a letter since then for Snow Removal; only this letter was forwarded right away  
 - they would have gotten it out of there if they would have known it was back there  
 - a neighbor said that it was in the middle of the alley originally - and they couldn't get thru, so, they pushed it out of the way; and then, someone else moved it to be partially near their garage  
 - it was not their mattress

VIDEO - Parks removed mattress in rear near alley

Mr. Rora:

- mom should be living back in her house in about 2 months  
 - the family has more keys now so more of them can check on the house

Ms. Moermond:

- will recommend this assessment be deleted; lack of Notice  
 - it's hardly worth filling out paper work at the county for the apartment's address and then changing it back again in 2 months  
 - check the place more frequently  
 Delete the assessment due to lack of notice and item was moved out of right of way.

**Referred to the City Council due back on 4/15/2015**

7 [RLH TA 15-144](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 2012 CLEAR AVENUE.

**Sponsors:** Bostrom

Ms. Sarah Vogt, owner, appeared.

Inspector Paula Seeley:

- Snow/Ice letter sent Dec 5, 2014; compliance Dec 8; re-checked Dec 10  
 - work done Dec 11, 2014 for a cost of \$160 + \$160 service charge = \$320  
 - sent to Sarah Vogt, 13810 Glendale Trail, Savage, MN; and to Occupant  
 - no returned mail  
 - have a forthcoming assessments  
 - history: 3-10-14 Snow; 6-2-14 TGW;

Ms. Vogt:

- she didn't realize those previous Work Orders happened  
 - is here on behalf of her tenant, who is working today; she is supposed to shovel  
 - is a real estate agent and has moved twice this past year; part of the reason she missed the paperwork - it didn't follow her fast enough  
 - she has 12 properties and has never had 4 assessment on 1 of them  
 - plus, here in St. Paul, they have only 48 hrs to response; in Brooklyn Center, she has a week  
 - has had the property for 5 years  
 - her tenant requested the photos

- she did not get the Notice but did get the Appeal paperwork

VIDEO - removed snow, salted and sanded

Ms. Vogt:

- that's not even an inch!

- I was there last week shoveling; it took me 7 minutes to clear the snow with a regular shovel

Ms. Moermond:

- it looks like you don't go to the property at all

Ms. Vogt:

- she drove around 6 blocks near the house and there were over 20 properties with more snow than this one

Ms. Moermond:

- will recommend approval

Approve the assessment.

**Referred to the City Council due back on 4/15/2015**

- 8      [RLH TA 15-174](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 123 COOK AVENUE WEST.

**Sponsors:**      Brendmoen

*No show; approve.*

**Referred to the City Council due back on 4/15/2015**

- 9      [RLH TA 15-149](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 910 COTTAGE AVENUE EAST.

**Sponsors:**      Bostrom

*No show; approve.*

**Referred to the City Council due back on 4/15/2015**

- 10     [RLH TA 15-153](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 605 FRONT STREET.

**Sponsors:**      Brendmoen

*Per owner's request, rescheduled to 3/24/15*

**Laid Over to the Legislative Hearings due back on 3/24/2015**

- 11     [RLH TA 15-162](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 366 FULLER AVENUE (ARCHIVED 368 FULLER AVENUE).

Sponsors: Thao

*Audrey Hall, owner, and her son, Robert Hall, appeared.*

*Inspector Paula Seeley:*

- *Summary Abatement Order sent Nov 25, 2014; compliance Dec 3; re-checked Dec 3*
- *work done Dec 4, 2014 for a cost of \$420 + \$40 service charge = \$460*
- *sent to James and Audrey Hall, 366 Fuller Ave and Occupant*
- *remove chair, couches, mattresses next to garage and in alley*
- *no returned mail*
- *some history*

*Mr. Hall:*

- *noted some history - Ms. Hall lives on a street that's only 1/2 long, then there's the alley and then, there's a business behind there (a parking lot that spans the entire length of the alley); a few years back a new company moved in there; they put up a 6 foot privacy fence along the entire length of alley*
- *she didn't have any problems before this because the alley was wide open; now, you can't even see down the alley unless you drive down it*
- *since she put up the fence, her garage has been broken into twice; her back porch has been broken into; the garage has been graffitied a dozen times*
- *the newest craze seems to be driving down the alley with a truck, pushing all your trash into the alley*
- *none of this trash, furniture, etc. is there's; this has happened 2 or 3 times before*
- *Ms. Hall can't carry any of that debris to be able to put it there or to get it out*
- *we called the city and explained this to them; this is like a dump site to people; they said, "Oh, OK" as it had a few times before, the pile disappeared; but now, she got a bill for \$460 for someone else's trash that's dumped in the alley*
- *with the fence there, the alley is blocked off; the lighting provided by the parking lot is also blocked off so the alley is twice as dark; and the neighborhood is filled with renters; and she's the only one with a garage - so they lean this stuff on her garage*
- *she is living on a fixed income, below the poverty rate; we felt it wasn't fair that she should have to pay for these "lazy people," who don't want to pay their own garage bill - furniture removal bill*
- *we are here to contest the bill*

*Ms. Seeley:*

- *this does look like illegal dumping*

*VIDEO - looks like illegal dumping on each side of the alley and apron of the garage*

*Ms. Moermond:*

- *wondering how to approach this as a group of neighbors*
- *motion detector lighting should be installed at the very least*
- *we can ask the police to do periodic checks*

*Mr. Hall:*

- *the company put up the fence to eliminate people from driving thru the parking lot from the alley; they didn't need a privacy fence to accomplish that; all they really need is to put up a chain link fence and that problem will be solved; in addition, the police would be able to see the entire alley and the alley would still be able to reap the benefit of the lighting in the parking lot*

*Ms. Moermond:*

- *will recommend this assessment be deleted*
- *she will talk to the ward office about this to see if they may be able to facilitate a*

conversation/solution

- to help out, you may want to put up signs saying, "This is under surveillance" or install cameras

Delete the assessment.

**Referred to the City Council due back on 4/15/2015**

**12**     [RLH TA 15-168](#)

  Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 530 GERANIUM AVENUE EAST.

**Sponsors:**        Brendmoen

*Luul Omar, owner, and Abdi Omar, Luul's brother, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

- *Category 2 Vacant Building*

- *Summary Abatement Order sent Nov 21, 2014; compliance Nov 26*

- *work done Dec 1, 2014 for a cost of \$288 + \$160 = \$448*

- *re: remove pallet, wood, tree debris in front yard*

- *photos*

*Abdi Omar:*

- *his sister bought this property Jan 14, 2015 from Capetown Development*

- *she was not aware of this*

- *she wants to take care of the property in 90 days*

- *when she tried to pull a permit at DSI Office a couple of weeks ago, she was denied unless she paid almost \$2600*

- *the realtor didn't tell her anything about this assessments*

*Ms. Moermond:*

- *this is a pending assessment and it should have been disclosed*

- *you closed on Jan 14, 2015 and this was listed as a pending assessment 2 weeks earlier on Jan 2, 2015; it would have been something that your realtor should have alerted you to*

- *it looks like the Vacant Building fee went to assessment*

- *asked Mr. Dornfeld if he knew why she would have to pay these assessments outright as opposed to letting them go to property taxes or .... it's not making sense to her*

*Mr. Dornfeld:*

- *the 2014-2015 VB fee went to assessment Sep 30, 2014; the 2015-2016 VB fee is not due again until Aug 31, 2015; therefore, she should be allowed to pull permits*

- *doesn't have an answer for her 2nd question*

*Ms. Moermond:*

- *Feb 18, 2015, the City Council ratified it to go onto the property taxes, so, you should be able to walk in and pull permits right now*

- *Mr. Dornfeld can make a note of that in the system so it's ready to go*

*Inspector Paula Seeley:*

- *the Code Compliance Inspection Report expired Apr 2014*

*Mr. Dornfeld:*

- *Inspector Soley approved the Sale Review Apr 18, 2014; that usually means that the Code Compliance Inspection Report has been dealt with; he wouldn't approve the Sale Review without the Code Compliance Insp Report*

*Ms. Moermond:*

- let's see if we can do a Seeger only
  - after the Code Compliance Inspector is a year old, it expires and you need a new one; a lot of things can happen during the course of a year - the property can change a lot
  - she will ask that Building Inspector Jim Seeger do a building inspection to confirm if the list can stay the same; the cost is a lot less
  - if you get Mr. Seeger's confirmation, that's all you'll need
  - you can pull permits now
  - call for Mr. Seeger's inspection sooner rather than later
  - re the property clean-up: it happened when the previous owner owned it; however, you inherited it when you bought the property; you should have been alerted to it by your realtor; talk to him about it
  - assessments go to the property
  - the work was done by the city
- Approve the assessment.

**Referred to the City Council due back on 4/15/2015**

**13**     [RLH TA 15-137](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 146 IVY AVENUE WEST/1315 RICE STREET.

**Sponsors:**        Brendmoen

*Ed Reyes appeared representing Ivy Rice LLC, owner.*

*Inspector Paula Seeley:*

- PAEC - failure to maintain exterior property
- Summary Abatement Orders issued Oct 17, 2014; compliance Oct 21; re-checked Oct 22
- work done by owner
- PAEC fine: \$120 + \$35 = \$155 (trip charge)
- sent to: Ivy Rice LLC, 3739 Drexel Court, Eagan; and Occupant
- no returned mail
- overflowing trash containers and paint cans

*Mr. Reyes:*

- notes that there are 2 properties here on the same parcel (owned by the same people)
- there's a tenant there who is supposed to have his owner garbage bin
- he has had one since 1998
- he was at the property when St. Paul maintenance came to pick it up but Mr. Reyes was able to clear out everything; the guy said that he didn't want to see the cardboard recycling on the ground; Mr. Reyes said that they would take care of it
- the bags of trash (in photo) was gone already when the city came; just the cardboard remained and was overflowing
- there was also a temporary HOLD on their mail when they were out of town
- he knows that he is responsible
- he told the tenant that it's illegal to put paint cans out there, so, the tenant removed the paint but there was still trash out there that they removed

*Ms. Moermond:*

- the cardboard was all over the place - overflowing the bin
  - will recommend approval of this assessment
- Approve the assessment.



Referred to the City Council due back on 4/15/2015

- 14 [RLH TA 15-127](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505B, Assessment No. 158104 at 551 JENKS AVENUE.

**Sponsors:** Brendmoen

*Ms. Moermond:*

*- the property owner said that he didn't receive Notice from SPPD in the middle of the night when they had to break the door down in his building; they did not contact the caretaker in order to get the door opened*

*- she followed thru with SPPD and got the rest of the Emails yesterday; 2 different officers who were at the scene indicated: 1) that the lockbox for the key did not contain a key that opened this particular apartment; and 2) that the caretaker was not available; there was a call into the desk to find out if there was any other information*

*- given that they had gone to the lock box, she will recommend approval of this assessment*

*Approve the assessment.*

Referred to the City Council due back on 4/1/2015

- 15 [RLH TA 15-166](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 555 KENT STREET (565 KENT STREET).

**Sponsors:** Thao

*Delete the assessment. The inspector gave the property owner verbal extension before sending the work order. (No hearing necessary)*

Referred to the City Council due back on 4/15/2015

- 16 [RLH TA 15-160](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 2013 LINCOLN AVENUE.

**Sponsors:** Stark

*Delete the assessment; on December 16, 2014 Legislative Hearing Officer granted extension til 4/15/15 to repair or remove garage. (No hearing necessary)*

Referred to the City Council due back on 4/15/2015

- 17 [RLH TA 15-141](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 898 LINWOOD AVENUE.

**Sponsors:** Thune

*Mary Montgomery, owner, appeared.*

*Inspector Paula Seeley:*

*- Excessive Consumption assessment cost: \$120 + \$35 = \$155*

*- failure to remove/modify the front parking area*

*- original Orders sent May 13, 2014; it was appealed and the Council Resolution was*

*adopted Jul 9, 2014*

- resolution of 7-9-14 allows gravel driveway but disallows front yard parking and requires modification of existing driveway
- Nov 2014, inspector went out and sent an Excessive Consumption due to the fact that the modification per City Council was not specific
- the EC was sent because the inspector drove by and saw that nothing had been modified; no one is parking there

*Ms. Moermond:*

- the City Council was not specific
- Ms. Montgomery sent an email; is attached to the record

*Ms. Montgomery:*

- in the past, she explained this to LHO and City Council that the driveway width is legal nonconforming
- to her, this is on-going harassment
- Wendy Lane has remained silent on this; since, she has been compelled to speak and she has stated under oath that her driveway width is legal nonconforming; the front part is not a parking area; it's a driveway width
- City Council did not say that the driveway needed to be narrower in the front but they did take away all of her parking on her legal driveway; you can park on a legal driveway in the front yard but the CC has taken that right away from her
- so, the only way to stop the anxiety of the code inspector when he drives by the property is to remove the entire driveway between the sidewalk and the front of her property

*Ms. Moermond:*

- the Council Resolution is what she is concerned with and the fact that parking was not observed in the front yard is all she needs to recommend that this assessment be deleted

*Ms. Montgomery:*

- right now, she can't park anywhere on her driveway in the front yard

*Ms. Moermond:*

- if an Order is issued, it's appealable and that can go before the City Council
- Delete the assessment.

**Referred to the City Council due back on 4/15/2015**

- 18**     [RLH TA 15-146](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1506A, Assessment No. 158505 at 1201 MAGNOLIA AVENUE EAST.

**Sponsors:**     Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 3/18/2015**

- 19**     [RLH TA 15-148](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 884 PARK STREET.

**Sponsors:**     Thao

*No show; approve the assessment.*

Referred to the City Council due back on 4/15/2015

- 20 [RLH TA 15-136](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1503B, Assessment No. 158811 at 1690 REANEY AVENUE.

**Sponsors:** Finney

*Michael Shanley, owner, appeared.*

*Inspector Matt Dornfeld:*

- annual Vacant Building assessment of \$1595
- Category 1 VB opened Aug 8, 2014 by Inspector Dave Nelmark
- noted the dwelling was vacant; truck trailer in yard; building was secure; roof shingles worn; no railing on front stairs; numerous code violations; gas/electric locked off
- history of gas/electric shut offs
- he opened a Cat 1 VB

*Mr. Shanley:*

- described his situation; is trying to figure out what he can do about the VB status
- he was battling depression and mental illness; he had a lot of issues with maintaining things
- this is his home
- in 2013, the building was also Condemned because of not having electricity and gas; and because of the cold weather rule, his gas/elect were re-instated; there was no Order to be a VB
- Jun 24, 2014, it was declared a VB
- apologizes for all of the Excessive Consumption
- is living at 1090 7th St E; unfortunately, that house has been foreclosed

*Ms. Moermond:*

- right now, you can move right back into 1690 Reaney; it's turn key
- there are code problems that need to be addressed but you can move back

*Mr. Shanley;*

- he will homestead the property next week

*Ms. Moermond:*

- if you move back in by Mar 18, 2015, she will recommend that the VB fee be cut in half payable over 2 years
- just move in and then, you'll be out of the VB Program
- let the inspector know that you've moved back into it; call Dave Nelmark 651/266-1931

*If owner is moved in by March 18, Legislative Hearing Officer will reduce the assessment from \$1595 to \$797 and spread payments over two (2) years.*

*FOLLOW-UP: Inspection staff confirmed on 3/11/15 that family is again living at this property.*

Referred to the City Council due back on 3/18/2015

- 21 [RLH TA 15-130](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 613 ROSE AVENUE EAST.

**Sponsors:** Bostrom

*Delete the assessment due to language barrier, good history and has taken steps to have approved parking. (No hearing necessary)*

**Referred to the City Council due back on 4/15/2015**

- 22     [RLH TA 15-135](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 841 ROSE AVENUE EAST.

**Sponsors:** Bostrom

*Delete the assessment. Code compliance was issued within the extension given by the Legislative Hearing Officer. (No hearing necessary)*

**Referred to the City Council due back on 4/15/2015**

- 23     [RLH TA 15-145](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 1029 ROSE AVENUE EAST.

**Sponsors:** Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 4/15/2015**

- 24     [RLH TA 15-147](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1506G, Assessment No. 158705 at 1029 ROSE AVENUE EAST.

**Sponsors:** Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 4/15/2015**

- 25     [RLH TA 15-159](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 1064 ROSE AVENUE EAST.

**Sponsors:** Bostrom

*Neng Heur, owner, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

*- snow/ice Orders sent Nov 14, 2014 - have 48 hrs after issued; re-checked Nov 19, 2014; Work Order sent*

*- sent to Neng Heur; no returned mail*

*- done by owner*

*- Cost: \$120 + \$35 service charge = \$155*

*- Category 2 Vacant Building since Jun 24, 2013*

*Mr. Heur:*

*- became new owner on Dec 13, 2014*

- assessments go with the property so, he will have to pay but he thinks that whoever owned the building at that time, should pay; it should not go to the new owner; it's not fair

*Ms. Seeley:*

- this became a pending assessment Dec 14, 2014

- there is also a forthcoming assessment

*Ms. Moermond:*

- when you buy a property, you also buy it's debts

- this Order should have been disclosed to you by the seller

- if you were to have checked this property's records before you purchased it, this assessment information would not have been available because it became a pending assessment the day after you bought it; the Orders, however, should have been disclosed to you

- in this particular case, she will recommend this assessment be deleted if Mr. Heur can say that he will have this property up and running in 6 months

*Mr. Heur:*

- the rehab is going on now; they hope to have it finished by the end of Apr 2014

*Ms. Moermond:*

Delete the assessment.

**Referred to the City Council due back on 4/15/2015**

- 26     [RLH TA 15-158](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 610 SAINT ALBANS STREET NORTH/677 THOMAS AVENUE.

**Sponsors:**       Thao

*No show; approve the assessment.*

**Referred to the City Council due back on 4/15/2015**

- 27     [RLH TA 15-140](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 675 SHERWOOD AVENUE.

**Sponsors:**       Bostrom

*Delete the assessment due to the Summary Abatement stating removal of rubbish in driveway and not in rear yard.*

**Referred to the City Council due back on 4/15/2015**

- 28     [RLH TA 15-150](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 609 SNELLING AVENUE NORTH.

**Sponsors:**       Stark

*Renae Reed, owner, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

- Category 1 Fire Exempt Vacant Building

- Inspector Kalas is currently monitoring the property: rehab work in on-going
- here to appeal the VB fee assessment for 2014 - 2015: \$1440 + \$155 service charge = \$1595
- fire occurred Jul 28, 2014

*Ms. Reed:*

- fire was on the top floor of this 2-story duplex; mainly the kitchen and back deck area
- with them putting out the fire, the water damaged the 1st floor also
- permits were pulled for electrical, plumbing - for everything
- she is not sure if they are closed yet but they should be
- drywall is all up; new siding is on; new windows are installed
- she did not have enough insurance
- she doesn't understand why she is being charged a fee for having a fire; she's not an habitual case of not keeping up her property; she's disturbed about the fact that she's being charged when she doesn't have any money coming in - just going out because of all the extra problems and cost

*Mr. Dornfeld:*

- in the system, he found the note: per LHO Marcia Moermond, allow VB fee to go to assessment; she will address VB fee when it becomes an assessment; PO is to call Inspector Dornfeld when she receives the assessment letter in the mail; it's a VB 1, trades permits are open; rehab is on-going; PO hopes rehab will be complete Mar 1, 2015; at that time, you were supposed to be re-visiting this VB fee
- no permits have been finalized yet

*Ms. Moermond:*

- if the trades are signed off by Apr 15, 2015, she will cut the VB fee in half and divide the assessment over 3 years; if longer, there's not much that she can do; tell your contractors to step up the pace
- this is not a fine; it's basically, the cost of running the VB Program, divided among all the VB in the city
- If owner is done by April 15, 2015, the fees will be reduce by half and spread over number of years.

*Follow-Up: Open building, electrical and plumbing permits as of 4/15/15. Therefore, recommend approval of assessment.*

**Referred to the City Council due back on 4/15/2015**

- 29**     [RLH TA 15-138](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No.158303 at 290 STINSON STREET.

**Sponsors:**     Thao

*No show; approve the assessment.*

**Referred to the City Council due back on 4/15/2015**

- 30**     [RLH TA 15-169](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 537 SUPERIOR STREET. (Amended to delete)

**Sponsors:**     Thune

*Mark Egan, Egan Construction, appeared on behalf of Nicole Basta, owner.*

*Inspector Matt Dornfeld, Vacant Buildings:*

- has been a Category 2 Vacant Building Dec 20, 2011
- today appealing the VB fee assessment for 2014-2015 in the amount of \$1440 + \$155 = \$1595
- permits have not been finalized

*Mr. Egan:*

- the work has been done since Jan 2015
- he hired a sub for the furnace; turned out that he didn't have a license but we didn't know that until about 6 months ago; Mr. Egan paid him because he said that he was going to be having an inspection the following week (he just lied to Mr. Egan, who assumed that he was doing his job; Mr. Egan didn't follow-up on permits, etc.)
- they tried to get another contractor to take responsibility for the work but it was tough; they went thru 5 contractors, who all were not interested
- finally, the permit has been applied for and signed-off; doesn't think it's been processed yet
- plumbing permits are being inspected today

*Ms. Moermond:*

- if work is finished by Apr 15, she will delete the VB assessment
- If owner gets done by April 15, 2015, the fees will be deleted.

*F/U: 4/15/15: all permits are finalized, delete the assessment.*

**Referred to the City Council due back on 4/15/2015**

**31**     [RLH TA 15-142](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 865 THIRD STREET EAST.

**Sponsors:**     Lantry

*True Yang, owner, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order sent Dec 12, 2014; compliance Dec 17; re-checked Dec 17
- work done Dec 19 for a cost of \$510 + \$160 = \$670
- no mail returned; no history on the property
- sent to True Yang, 865 Third St E, St. Paul
- SA says: Remove tires from rear yard near alley
- photo

*Mr. Yang:*

- one night when he got back from school, there was nothing in back near his garage but the next morning when he went to go to work, he saw some tires behind his garage
- he called the police to report the dumping; later he notified the city
- someone dumped between 25-30 tires behind his garage and left him with the bill
- what are his options?

*Ms. Seeley:*

- she spoke with the area inspector on this; when she sees something like this, it's obvious that's it's illegal dumping
- Public Works will not remove anything that's not in the ROW

- he is the victim of a crime; we see this so much with tires
- there's no history on this property

Mr. Yang:

- he has a picture on his phone
- his is the blue garage (vs. the tan garage)

Ms. Moermond:

- will recommend reducing the assessment to \$170 divided over 2 years
  - the responsibility is half Mr. Yang's and half the neighbor's
  - both of you were victims of crime
  - hopefully, this doesn't happen again
  - if you get Orders again for dumping, file an appeal with her office; there's no charge for filing an appeal for this type of Order
  - she will talk with Code Enforcement Manager about this
- Reduce from \$670 to \$170 and spread payments over two (2) years.

**Referred to the City Council due back on 4/15/2015**

**32**     [RLH TA 15-163](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 441 VIEW STEET.

**Sponsors:**     Thune

*John McFadden, husband of deceased owner, appeared.*

Mr. McFadden:

- he never received a letter
- he's been a landlord for more than 25 years
- it's possible that it got overlooked because he was on his honeymoon; his wife, Lindsey, died on their honeymoon
- upon arriving home, he personally opened all of the mail and he saw nothing about what this is regarding
- he had no idea what this is about
- there is a wooden fence probably 8 feet from the alley
- all that this tells him is that there's some type of clean-up
- the letter he has is addressed to Lindsey Baumel, his wife, at their current address in North Mpls
- they had left for their honeymoon Nov 29, 2014

Ms. Moermond:

- the original Order for clean-up went to View Street on Nov 24, 2014

Mr. McFadden:

- there's a tenant on View St
- he always checks for mail that didn't get forwarded
- he's never had any compliant issues
- he is here today, appealing for Lindsey

*VIDEO - picked-up box spring; mattress, 2 old doors near alley*

Mr. McFadden:

- in Minneapolis, they pick up anything near my pick-up area
- Lindsey managed this property; he doesn't know anything about those items
- he didn't receive a letter, either

Ms. Moermond:



- the timing is such that she ...
  - will recommend deleting this assessment
- Delete the assessment.

**Referred to the City Council due back on 4/15/2015**

**33**     [RLH TA 15-164](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 2010 WELLESLEY AVENUE.

**Sponsors:**         Tolbert

*Sharon Giorgini, owner, appeared.*

*Ms. Moermond:*

- Correction Notice and Excessive Consumption

*Inspector Paula Seeley:*

- Correction Notice was sent May 19; compliance Jun 19; re-checked Jul 31, 2014
- re-checks following to repair or replace damaged front steps of the house
- sent to Sharon Giorgini
- after 3 Notices of Excessive Consumption, a Criminal Citation was issued Dec 5, 2014; no other Orders were sent after that
- history dates back to 1998

*Ms. Giorgini:*

- she has already been to district court, which gave her a completion date of Oct 2015 because the work can be done only from Jun-Oct; the city attorney recommended and the referee agreed to waiving most or all of the fines
- the compliance Order was not really realistic; she started to work on this when the buttress part fell in Apr; she contacted 3 contractors and got bids from 2 of them; there were delays in the project
- when she received the Notice, she had already been working on getting bids, etc. for nearly a month
- when she talked with the inspector May 28, 2014, they were looking at Aug for getting the work done; she was told that she could get only a 1 month extension; then, they ran into more delays; the new door was installed and a new threshold, which delayed things another month
- there was also rain in Jun - another delay
- right now, the bids have expired; she had the concrete re-bid and is waiting for the masonry work to be re-bid
- there were 3 Excessive Consumption Orders: for the 1st one, she wasn't able to get off work to make the LH, so she just paid it; so, this is for the 2nd and 3rd EC; it seems unreasonable to get an EC when she told the inspector that the work wasn't going to get done; why would you send someone out when you know that the work's not going to get done

*Ms. Seeley:*

- he granted an extension to the 31st

*Ms. Giorgini:*

- it was a 1-month extension but that was still 2 months earlier than he knew the work was going to be done

*Ms. Moermond:*

- there's a paragraph in there saying that you can appeal it to the LH officer
- you are appealing the assessment now, not the deadline

- you didn't have the work done and you didn't appeal it to ask for a new deadline to have it done

Ms. Seeley:

- on the very bottom of the first Correction Notice written in May, it says that you can appeal

Ms. Moermond:

- during the entire construction season last year, the work didn't get done  
- it should be done by the end of 2015 construction season; if it isn't done, you're back in court  
- you were buying yourself time with the EC fees

Ms. Giorgini:

- but isn't the EC fee for the inspector going out to inspector work that she already told him wouldn't be done by that time

Ms. Moermond:

- will recommend approval on this  
- CCPH Apr 15, 2015; they could look at this differently  
Approve the assessment.

**Referred to the City Council due back on 4/15/2015**

- 34**     [RLH TA 15-171](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 1436 WESTMINSTER STREET.

**Sponsors:**     Brendmoen

*Per owner's request, rescheduled to March 24.*

**Laid Over to the Legislative Hearings due back on 3/24/2015**

- 35**     [RLH TA 15-155](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 220 WINIFRED STREET WEST. (Public hearing continued from April 15) (To be amended to File No. VB1506A, Assessment No. 158821)

**Sponsors:**     Thune

*Public hearing to be continued to May 6, 2015 with the understanding that the owner will be in compliance with the code compliance inspection and can recommend deleting or prorating the VB fees.*

*5/6/15: at the January 6, 2015 Legislative Hearing, Ms. Moermond stated below:*

Ms. Moermond:

- will give you until May 1, 2015 to get the Code Compliance Certificate  
- send back the yellow post card when you get the bill; write on that card that you already had a LH on this and we'll pull the record  
- on Apr 15, 2015, she will ask the City Council to Layover this over to May 6, 2015  
CCPH

*Deny the appeal noting that the VB fee has gone into assessment. Owner may appeal it at that time. LHO will layover the matter to May 6 and if owner is done with the repairs by May 1, 2015, will delete the VB fee.*

*checked permits and warm air permit is still outstanding. contacted Andrew Meyers and he indicated that the mechanical inspector went out yesterday but there was a minor correction and it should be done next week. mxv*

*Ms. Moermond said owner didn't meet the condition. The warm air permit has been opened for months, and owner only had a follow-up inspection yesterday. Rec approval of the assessment.*

**Referred to the City Council due back on 4/15/2015**

**36**     [RLH TA 15-154](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 1937 WORCESTER AVENUE.

**Sponsors:**         Tolbert

*Mark Brandrud, owner, appeared.*

*Inspector Paula Seeley:*

- Snow Order sent Dec 4, 2014; compliance Dec 7; re-checked Dec 10
- work done Dec 11, 2014 for a cost of \$160 + \$40 service charge = \$200
- no returned mail
- sent to: Mark Brandrud, 1937 Worcester Ave; and Occupant
- photos

*Mr. Brandrud:*

- he just mislaid the letter that arrived Fri Dec 5; he was going out of town for the weekend with his son for a Hockey Tournament
- by the time he returned, he had forgotten about it and he didn't see it anywhere; also, there was another snow fall that weekend
- he found the letter on the day the work was done
- also, he was ill for a while after he got back
- he has never had a complaint in 21 years; he keeps his property in very good order

*Ms. Moermond:*

- when she looks at the sidewalk, it looks as though it was cleared with a snow blower; underneath, it looks like ice had formed
  - looks like a good faith effort was made to maintain the sidewalk
  - in the future, get salt and sand down
  - will recommend deleting this assessment
- Delete the assessment.*

**Referred to the City Council due back on 4/15/2015**

**37**     [RLH TA 15-179](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 912 DESOTO STREET.

**Sponsors:**         Brendmoen

*Steve Ya Hang, owner, appeared along with Ron Gerlock*

*Inspector Paula Seeley:*

- Excessive Consumption
- Orders were issued Jul 17, 2014; compliance Jul 22, 2-15; Work Order sent Jul 23, 2014

-PAEC for a cost of \$155  
-three more forthcoming tax assessments  
-Jul 17 Summary Abatement Order: remove contents of full garbage container; garbage bags; rubbish bags; mattress; scrap wood; recycling material; buckets; tires; etc. around the property  
-on the Problem Properties List  
-on-going police call issues  
-pictures

Mr. Hang:

-had no idea what was going here; he got the letter so he came to find out what was going on  
-works night shift and doesn't know anything about this  
-he lives at this address

Mr. Gerlock:

-he cleaned up Mr. Hang's yard and took it to Twin City Refuse (mattresses, garbage, etc.)  
-Mr. Hang is his neighbor; he has known him for 16 years; he has family so, Mr. Gerlock helps him out as much as he can; he is just trying to help him out

Ms. Moermond:

-looks like things did get cleaned up but it was just a couple of days too late - after the deadline

Mr. Gerlock:

-he didn't see a letter; he got it done before the city got there  
-Ed Smith approved that everything was cleaned-up; he said that it was all looking good; he said that he was going to "pass" everything

Ms. Moermond:

-asked why there were so many Orders on this property; what's going on?

Mr. Hang:

-he has some friends – people who have no place to live and have no food to eat; so, sometimes they come to his house for food and for a place to stay overnight; it's OK; the people just don't like that and they call the police so many times; any time someone comes to his place, they call the police  
-he put a lot of stuff into his truck and was going to dump it but then, the truck died, so he couldn't go

Mr. Gerlock:

-he took the trash off Mr. Hang's truck a couple of times and disposed of it because his truck wasn't running

Ms. Moermond:

-why are you on the radar of the Problem Property folks?  
-do your tenants behave badly or ....?

Mr. Hang:

-no; we don't have arguments; no fighting; no nothing; they just come to hang out because they have no place to go; five, six, sometimes seven or eight people  
-they have no place to go; he can't kick them out; it's cold

Ms. Seeley:

-she was out there on a police warrant Jan 23, 2015; Ed Smith was out there on a

warrant Feb 5, 2015; this will go to Theresa Skarda  
-people are getting arrested for opium  
-when she was out there, Steve was arrested for opium; she was told by his daughter that the wife, definitely, does not want these people coming over for opium but it's Mr. Hang cannot stop  
-Steve was arrested for allowing all these people to come over there to do drugs  
-Mr. Ed Smith is the behavior complaint inspector

Ms. Moermond:

-Inspector Seeley said there's a long history of noncompliance with code at this property  
-there's also a history of behavioral issues at this property  
-the work wasn't done on time and this property doesn't have a good history

Mr. Hang:

-he pays Mr. Gerlock to help him clean up his property

Mr. Gerlock:

-he has told people to stay away from his house; he doesn't like violence but when it gets that way, he'd rather have him call the cops but by the time the cops get there, they're gone; they've been harassing him for a long time

Ms. Moermond:

-you should be taking care of these things  
-you have a zoning problem if you have more than 4 unrelated adults staying at the property; you want to make sure that you don't have more than 4 unrelated adults staying there  
-will recommend approval of this assessment  
-City Council Public Hearing Apr 15, 2015  
Approve the assessment.

**Referred to the City Council due back on 4/15/2015**

**38**     [RLH TA 15-180](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 340 DALY STREET.

**Sponsors:**        Thune

    Jonathan Schulz, owner, appeared.

    Inspector Paula Seeley:

    - Excessive Consumption fee \$120 + \$35 service charge = \$155  
    - Correction Notice was sent Oct 15, 2014; compliance Oct 20  
    - Oct 22, 2014 an Excessive Consumption fee was issued re: an illegal basement bedroom  
    - sent to Jonathan Schulz, 340 Daly St; and Occupant  
    - no returned mail

    Inspector John Peter Ross:

    - this particular EC was for an illegal basement living quarters without egress; light, ventilation and smoke detector issues  
    - he was the inspector and was allowed entry into the basement

    Ms. Moermond:

    - asked why this was not Condemned

    Mr. Ross:

- right after this, the basement sleeping quarters was removed

Mr. Schulz:

- is trying to understand his boundaries - what he can and cannot do; he needs information on what he can do and what he can't
- no one is living in the basement; they are just storing some stuff down there
- is there a book?
- has owned the property since 1988 and hasn't had problems until this house
- he has a neighbor whose priority it is to keep her eye on him
- he hasn't dealt with this before so, now, he wants to learn all he can

Ms. Seeley:

- Property Maintenance Code Chap 34.08, Legislative Code
- for legal bedroom in the basement, you need to pull a permit, get an egress window; you can't put another unit in the basement

Mr. Schulz:

- he doesn't want a bedroom down there or anyone living down there

Mr. Ross:

- there was a futon down there, folded up and there were personal toiletries and mail
- it was admitted by the proprietor that there was, indeed, someone living in there
- it was subsequently taken care of but not by the time of the Correction Notice

Mr. Schulz:

- it's a duplex; the lady who rents from him has mentally disabled kids and she has some of her stuff down there in her daughter's play room because she goes down there to get away for a while; a get away room
- he is just trying to find out the city's guidelines/rules

Ms. Moermond:

- Chap 34 of the Legislative Code is pretty clear about expectations
- there's a checklist on the city's website
- logic, even dictates, that you wouldn't put someone in the basement without an egress window and a smoke detector
- it's equally problematic if someone is sleeping there during the day rather than at night, safety-wise
- suggested that he join the Professional Landlords' Association

Ms. Mai Vang:

- provided him with a copy of a Resident's Guide

Mr. Schulz:

- own 22 houses; never had a problem until 2 years ago

Mr. Ross:

- the Correction Notice that was sent was pretty specific

Ms. Moermond:

- thinks the photographic evidence says that there's a problem
- Approve the assessment.

**Referred to the City Council due back on 4/15/2015**

EAST.

**Sponsors:** Finney

*Alex Lakson, Axl Construction, owner, appeared.*

*Inspector Paula Seeley:*

*- Snow Order issued Dec 2, 2014; compliance Dec 5; re-checked Dec 5  
- work done Dec 8, 2014 for a cost of \$160 + \$160 service charge = \$320  
- sent to Axl Construction 13280 Pennsylvania, Savage, MN 55378; and Occupant*

*Mr. Lakson:*

*- appealing because he always removes the snow  
- when he got this letter to remove snow 24 hours after it snowed; when he came to clean it, someone had already done it and that was within 24 hours after it snowed*

*VIDEO - empty lot; removed snow, salted and sanded*

*Mr. Lakson:*

*- it wasn't 24 hours after the snow*

*Ms. Moermond:*

*- she will ask to get the weather service precipitation dates for new snow; charts from NOA*

*STAFF REPORT: Forthcoming. LHO to check on weather precipitation chart.*

**Laid Over to the Legislative Hearings due back on 3/24/2015**

### **Special Tax Assessments - ROLLS**

- 40**    [RLH AR 15-14](#)    Ratifying the assessments for Excessive Use of Inspection or Abatement services billed September 4 to November 7, 2014. (File No. J1504E, Assessment No. 158303)
- Sponsors:**    Lantry
- Referred to the City Council due back on 4/15/2015**
- 41**    [RLH AR 15-15](#)    Ratifying the assessments for Property Clean Up services from December 1 to 30, 2014. (File No. J1507A, Assessment No. 158506)
- Sponsors:**    Lantry
- Referred to the City Council due back on 4/15/2015**
- 42**    [RLH AR 15-16](#)    Ratifying the assessments for Trash Hauling services from December 3 to 31, 2014. (File No. J1506G, Assessment No. 158705)
- Sponsors:**    Lantry
- Referred to the City Council due back on 4/15/2015**
- 43**    [RLH AR 15-17](#)    Ratifying the assessments for Collection of Vacant Building Fees billed July 10 to November 21, 2014. (File No. VB1506, Assessment No. 158805)

Sponsors: Lantry

Referred to the City Council due back on 4/15/2015

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 44 [RLH SAO 15-13](#) Appeal of Lawrence Jellison to a Vehicle Abatement Order at 292 CLARENCE STREET.

Sponsors: Lantry

*Lawrence Jellison and a woman, appeared*

*Inspector Paula Seeley:*

- *Vehicle Abatement Order*
- *a Zoning Order regarding a tow truck parked in a residential district*
- *this truck was at 1010 Oxford and now its at 292 Clarence; we tried to explain to him that you cannot have a large tow truck in a residential R-4 District, especially now with the new city ordinance; commercial vehicles get pulled in 30 minutes*
- *we get complaints on this*
- *photos*

*Ms. Moermond:*

- *read the appeal - that it has to do with your work*

*Mr. Jellison:*

- *he is an on-call tow truck driver 24 hours a day; when there's nothing going on, he goes home to eat dinner, lunch, etc; the truck is never parked there longer than 5 hours at a time*
- *within a 2-mile radius of this address, he has a list of all the tow trucks; in fact, they are all over this city in residential district*
- *because it's a rental property instead of an owner-occupied property, the neighbors don't like that in their neighborhood*
- *they also had a complaint on their garbage cans out on their garbage day; how are they supposed to get their trash picked up? it's ridiculous; Tue is their trash day; that's when they are out and that's when the complaint was; the inspector was there Tue*
- *the lady who complained already got the neighbor to the left of them kicked out from city complaints because it was rental property*
- *the first day they moved in, this lady said, "Oh! This is a rental? Well, I own my property!"*
- *she has a vehicle sitting in her driveway that hasn't moved since they lived there; it doesn't even run; and he has called to complain but it's still sitting there*
- *he can't use all of his driveway because of her fence*

*Ms. Moermond:*

- *asked where their car is vs the truck*

*the Woman:*

- *they would like to park their personal car in their driveway but can't because her fence bows out onto their driveway; the driveway is too narrow for the truck to fit back there; his mirror is all scratched up from that fence; the fence has until May to be fixed*



- so instead of parking in their driveway, they have to go around the snow emergencies on their street

Mr. Jellison:

- the tow truck is not always there
- there is no off season; towing is all year round

Ms. Seeley:

- ordinance: no vehicle on any private property or street or alley in this district can be parked for more than 30 minutes

Ms. Moermond:

- similar case about a food truck, commercial vehicle
- you are going to need a long term solution for this
- you can't run a home-occupancy business in this district (R-4) unless you get a Home Occupancy Permit from Zoning; in this case, you don't have such a permit and in this case, you wouldn't qualify for it because of the nature of your business

Ms. Seeley:

- there's a couple issues here: 1) overweight vehicle; and 2) home occupancy business

Ms. Moermond:

- is having a Home Occupancy Application printed so that the Appellant can see what's in it and decide whether he wants to apply for it
- for the time being and because of the kind of vehicle that it is (size and purpose), she needs to treat it like the food truck
- Jun 1, 2015 - deadline

Mr. Jellison:

- how do you talk to avoid this process if your inspectors don't return phone calls, don't return voice mails -- how do you know any of this without coming down here because your inspectors won't return calls?
- he has called Inspector James Hoffman 100 times; we have never gotten any response from him; they've emailed him, too and no response
- all he wanted was an explanation
- he never runs his truck for long periods of time; he starts it and gets out of the driveway; he doesn't idle it

Ms. Moermond:

- Grant until June 1, 2015 to remove the tow truck or apply for a home occupation permit to get a variance to run a home business at the property.

**Referred to the City Council due back on 3/18/2015**

## Staff Reports

- 45     [RLH SAO 14-50](#)     Appeal of Anastasia Mastrogiorgos to a Vehicle Abatement Order at 30 MISSISSIPPI RIVER BOULEVARD NORTH. (Public hearing continued from April 15)

**Sponsors:**     Stark

*Anastasia Mastrogiorgos, occupant, appeared.*

*Inspector John Peter Ross:*

- continued; giving time to secure a survey/securing a letter from the neighbor allowing encroachment onto their ROW
- a Chevy Corvette was parked in the alley - deemed inoperable
- another vehicle was also encroaching into the alley ROW

*Ms. Mastrogiorgos:*

- it's really expensive to get a survey of your property, especially if you want detail showing where the house is compared with the property line
- she brought an old survey that her dad had done; doesn't even show where the alley is (scanned)
- she talked to a surveyor, who was the recipient of the original surveyor's notes (he is deceased) and he said that because of where they live, there is some kind of a problem with the front sidewalk and the pins, etc.; it's a problem area; it would be over \$700 just to have the outside boundaries redone plus \$150-\$200 per hour to have people work on it
- she has a letter from her neighbor saying it's OK for her to overhang
- brought pictures of everyone who parks in the alley or hangs over into the alley; trucks stick out; cars overhang
- she called the Fire Dept; they said that their trucks are only 8 1/2 feet wide and that they could definitely get by with their vehicle with a slight overhang
- since then, they've been parking in the front yet we can't park our car in the street for more than 48 hours; so if they are gone longer, they take their car to the church parking lot or someone else's driveway
- she has a diagram from the parking website showing where you could and couldn't park; showed that you could totally park your whole car in the alley; and their neighbors do
- why aren't my neighbors here going thru this?
- it's safer for her family to get in and out of their car when it's in the alley; the street is way to busy in the morning and late afternoon when people are going to and coming home from work
- there are 2 old cars that don't run in the garage; her brothers' cars; it's her families house
- their car doesn't prevent her neighbor from parking because she parks behind their car; she can get in/out easily

*Ms. Moermond:*

- will LAY this OVER one more time to give her an opportunity to talk with PW about this situation
  - might be able to handle this with some signage
  - her concern is how does this apply for both sides of the alley
  - she finds what the Appellant is saying persuasive; doesn't think that she has to come back again
- LHO to talk to Public Works. Will email property owner.

**Laid Over to the Legislative Hearings due back on 3/24/2015**

### Correction Orders

46      [RLH CO 15-4](#)      Appeal of Andrew McCabe to a Correction Notice at 1186 LINCOLN AVENUE.

**Sponsors:**      Thune

*Andrew and Gina McCabe, owners, appeared.  
Elizabeth Day and Rudolph Bachofner, neighbors, 1188 Lincoln also appeared.*

*Inspector John Peter Ross:*

- update - a complaint came in regarding a dumpster in a shared driveway; the property line went at least 3 feet from one side of the driveway according to property records; there's some contention as to whether that's an accurate property line description
- he suggested that both parties attend
- the case was held over for the possible submission of a survey
- photos

*Ms. Moermond:*

- has a lot of photos
- has a letter from Ms. Day and Mr. Bachofner's attorney

*Ms. Day:*

- the surveyor said that their property line is definitely into the driveway
- as they understand it, they should not be able to park the dumpster there
- it seems pretty clear cut where the line is
- original survey was done in 1999; in 2008, the surveyor put in a marker; the former owner took it out, so they had the surveyor come back out and reset the monuments

*Ms. Moermond:*

- Legistar file - document dated 2-25-15: survey with notes was put onto the screen
- the driveway is pretty narrow; the question is if the dumpster is entirely on Ms. Day's part of the driveway, is that OK? is it OK if it's flush with the property line? She didn't find anything to say that it wasn't OK; she heard last week that it looked like 2 feet of the driveway was actually on the neighbors' line
- the dumpster can't be more forward than the front of the house
- needs to study the diagram

*Mr. Ross:*

- the Summary Abatement was sent to: move the large dumpster so that it's entirely inside the property line of 1186 Lincoln Ave

*Ms. Moermond:*

- question at hand is whether or not the McCabes can have the dumpster where it's located

*Ms. Day:*

- they can't have it on our property, can they?

*Mr. Ross:*

- considering set back and talking to Zoning, he would say, "No;" because it's a temporary thing, they couldn't go right up to the property line, in their opinion; it's doesn't need a setback but it can't be over the property line
- the dumpster can go into the street with a permit
- he understands the reason for wanting it there; it's easier to throw materials out the window

*Mr. McCabe:*

- he plans to have the dumpster there only for a couple of months

*Ms. Moermond:*

- this problem won't be solved today; you folks have some ongoing concerns that will make your relationship as neighbors tough
- doesn't know whether you're interested in neighborhood mediation
- today, for her purposes, she is looking at whether or not the property line, being in

*the driveway, is enough to say that the dumpster shouldn't be there unless there's a survey to the contrary*

*- a company you hire will know that they need to get a ROW encroachment permit to place it in the street unless she can see a survey that proves that the property line is over enough allowing the dumpster to be entirely on McCabe's land; can bring the survey to her or to Mr. Ross's office at DSI*

*Deny the appeal. (dumpster is now gone)*

**Referred to the City Council due back on 3/18/2015**

**47**     [RLH CO 15-5](#)

Appeal of Sharon Bruestle to a Correction Notice at 529 STRYKER AVENUE.

**Sponsors:**     Thune

*Sharon Bruestle, Appellant, appeared.*

*Inspector John Peter Ross:*

*- Correction Notice to discontinue the discharge of water onto the public ROW creating a nuisance (ice hazard)*

*- photo taken by Inspector Mart Kaisersatt*

*- appealed because there is no practical way to divert it otherwise*

*Ms. Bruestle:*

*- also brought photos*

*- built back in the 1800's; when they built next to it, the property line was right up to the building*

*- the Fire Marshall said that she should come here and you guys can figure it out*

*- she asked a while ago if she could put it under the sidewalk and was told, "No"*

*- no alley behind; it's landlocked*

*Mr. Ross:*

*- suspects that at one time, it drained into a rain leader and into the sanitary sewer system, which was outlawed in the 80's, probably*

*- can connect to the city sewer system; contact Terry Vasquez, Public Works*

*- French Drain*

*Ms. Moermond:*

*- suggests that she make application for an encroachment permit at Public Works, ROW division; and check with an engineer as to the cost; find out what they have to say; Terry Vasquez, PW; find out what they have to say*

*- will give you time to sort this out*

*- LAYOVER to 6 weeks*

*- Dave Kuebler, PW, 651/266-6217*

*Layover to give the owner a chance to talk to contractors and can get a sense of the costs. Owner may talk to Public Works to talk about a possible encroachment permit to go underneath the sidewalk.*

**Laid Over to the Legislative Hearings due back on 4/14/2015**

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

**48**     [RLH VO 15-8](#)

Appeal of Tabatha Givens to a Notice of Condemnation as Unfit for

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Human Habitation and Order to Vacate at 1349 WINCHELL STREET.

**Sponsors:** Bostrom

*Mary Lou Law, owner, and her daughter, Lucy, appeared.  
Tabatha and Trent Givens, Occupants, appeared.*

*Inspector Paula Seeley:*

*- went back out to inspect with Officer Keenan and found more items  
- did not yet send out Orders on this: ceiling on back porch has exposed insulation;  
patio doors are still broken; several cover plates were missing; exposed insulation  
needs sheet rocking; hasp lock needs to be removed from bedroom door; ceiling  
repair in basement: back porch area and laundry utility room needs to be sheet  
rocked; light fixture should work; need globe for other light fixture; fiberglass needs  
sheetrocking or remove the fiberglass; she wants a furnace report - proof of an  
inspected/working furnace*

*Mr. Givens:*

*- we did the back porch; kitchen area*

*Ms. Moermond:*

*- asked about their plan of action*

*Ms. Law:*

*- will remain living there; only went up North to see her daughter and visit with her for  
a while  
- was told by Dean, SPPD, that they'd be checking on her every weekend to see if  
she's in the house; she will be there; however, she is not there much of the time in  
the summer; her sister owns a cabin in WI and she goes up there with her sister at  
times, which has been on-going*

*Ms. Moermond:*

*- right now, we just need to settle this situation and your presence helps that happen  
- if you aren't there as an owner-occupant, you will enter into the Fire Certificate of  
Occupancy Program  
- the owner in the house is the best outcome possible*

*Inspector Seeley:*

*- quite a few Orders have been abated  
- would lift the Condemnation if most of the items were done; will convert the rest into  
a Correction Notice  
- they'll be meeting with Kay Witgenstein, House Calls Program, re concerns with the  
daughters*

*Mr. Givens:*

*- he does remodeling*

*Ms. Law:*

*- the social worker called her and will be coming tomorrow; her daughter, Nancy, was  
very disappointed when her psychiatrist retired; she wouldn't see anyone else; the  
social worker will get her another psychiatrist and get her back onto her meds, which  
is wonderful and will make a huge difference  
- Cheryl may be moving to Hennepin County in 2 weeks; she can take care of herself  
but she needs to be checked on  
- still need to do ceiling in back porch and get the furnace report*

*Ms. Moermond:*

- deadline: Mar 20, 2015 to get everything signed off
- City Council will vote Mar 18 on this case
- Grant until March 20, 2015 to get everything into compliance.

**Referred to the City Council due back on 3/18/2015**

**49**     [RLH VO 15-10](#)

Appeal of LaSonda Moore to a Revocation of Certificate of Occupancy and Order to Vacate at 1214 MINNEHAHA AVENUE EAST.

**Sponsors:**         Lantry

*LaSonda Moore, tenant, and Sherry Buckley, Twin Cities Home Rental, property manager, appeared.*

*Fire Supervisor Leanna Shaff:*

- Revocation of the Fire Certificate of Occupancy and Order to Vacate
- Jul 25, 2014 - complaint of a gas shut-off; Inspector Niemeyer went out and Condemned it for lack of the gas on Aug 29, 2014; still no compliance by Sep 23, 2014
- started the Fire C of O inspection on Oct 29, 2014; had another inspection Jan 5, 2015 and Jan 27, 2015; Inspector Niemeyer Revoked the Fire C of O for lack of compliance
- Jan 2015 - also got a complaint of black mold and some landlord issues; Mr. Niemeyer closed those complaints because he is dealing with those issues in the Fire C of O inspection program
- in the middle of all of this, the management company was changed to Twin Cities Home Rental; not sure if they are communicating well with the owner, Wellmark Properties
- notes from Inspector Niemeyer Jan 13, 2015: I called Mike; got a referral on things on which I already have Orders written; he told me that he's not surprised; he also stated that the owner has not approved their bids for repair; he will be doing the repairs himself
- the same repairs just haven't gotten done time and time again
- the tenant is right; he didn't placard the building, although he told the property representative in Jan that the C of O was being Revoked and he felt confident that the manager would relay that message; he did not placard for a Revocation; a Condemnation is the only thing that requires placarding
- there is nothing that causes her much concern as far as the tenant staying longer other than the lack of responsibility from "whoever" to get the property taken care of; is not adverse to giving the tenant time to move out; concerned that an extension of time may not produce any progress in the repairs

*Ms. Moore:*

- got keys Aug 19, 2014; moved in and not even 2 weeks after that, she told them about the possibility of black mold on the carpet (the spot kept getting bigger and the odor was strong); her daughter has asthma so she does not sleep in that room; she sleeps in the living room
- in Jan 2015, she called again about the mold
- she did not see anything about vacating - until Tue morning when she received an email saying that they had to be out "tomorrow"
- she has been trying to get a place but everything for Mar 1 has already been rented; she is trying to find some place close so that her daughter can stay in the same school; she needs a Special Needs Program; a change will disrupt her; her daughter has mental health issues
- Feb 13, a contractor was supposed to be coming out to fix things; she let the guy in and he walked around and then, was gone within 5 minutes; he did nothing
- after Feb 9, she and Cosette, Twin Cities Home Rental, have been emailing back

and forth to keep her in the loop; Twin Cities says that they are waiting to get permission from the owner before they do any fixing  
- she needs some time to find another place

*Ms. Moermond:*

- will grant and extension to Apr 1, 2015 to move out  
- the Certificate of Occupancy shall remain Revoked and the building will be completely vacated by Apr 1, 2015  
- suggested that she call Southern Minnesota Regional Legal Services, 651/222-5863 regarding rent payment  
Grant until April 1, 2015 for tenants in Units 1 and 2 to vacate the property.

*Ms. Britney Moulonda* contacted our office and wanted to file an appeal. She came to the office but after consulting with the hearing officer and DSI staff, they gave the same deadline to vacate the property as the tenant in Unit 1; therefore, an appeal was not filed.

**Referred to the City Council due back on 3/18/2015**

### 1:30 p.m. Hearings

#### Fire Certificates of Occupancy

### 2:30 p.m. Hearings

#### Vacant Building Registrations

#### 50 [RLH VBR 15-14](#) Appeal of Don Hyatt to a Vacant Building Registration Fee at 766 POINT DOUGLAS ROAD SOUTH.

**Sponsors:** Lantry

*Don Hyatt, works for the owner, Joe Card, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

- Vacant Building Registration fee  
- opened as a Category 2 VB on Feb 9, 2012  
- went thru Sale Review process and was approved by Inspector Reid Soley at the purchase of the house Aug 7, 2014  
- there is a Code Compliance Inspection on file  
- there is an open building and plumbing permit  
- don't see electrical, warm air or mechanical permits yet  
- here today to discuss the 2014-2015 VB fee; it just went to assessment  
- warning letter went out Feb 11  
- he does not owe a VB fee again until Feb 2016

*Ms. Moermond:*

- the next time this would be heard would be in an assessment LH hearing

*Mr. Hyatt:*

- when he came down to file the appeal, it hadn't been sent to assessments yet  
- they plan to finish the property  
- Joe's the contractor; and they are doing the work

- when they applied for the building permit, they said that they were backlogged a couple weeks
- the electrician went down to pull his permit on Fri and was denied it (waiting for this to be paid or appealed)
- he just called the HVAC guy and told him not to go pull a permit because the permit desk wasn't going to issue it until this is resolved
- property should be finished when the weather permits; can't paint until spring
- they maintain the property; nothing for the city to do; they are involved with the neighbors, among them, state rep Sheldon Johnson; the neighbors don't understand why there would be a need for any monitoring of this property
- we are waiting for permits so they can finish; estimates 60 days, depending on the weather
- Joe purchased the property in Aug 2014 but there was a colony of bats in the house; it took several months to get rid of it before anything could be done to the house
- introduced a letter (scanned)

*Ms. Moermond:*

- this is still a proposed assessment onto the property taxes; it has to be ratified by the City Council; between now when it's assessed and when it goes to Council, there's a stop with her, the LHO; a letter will go out within about a month saying there's this proposed assessment; if you want to appeal it, send in the yellow post card; when he appeals it, she will prorate the VB fee; and if the house is done in 60 days, you could be looking at a low fee, giving you credit for getting this taken care of
- you can go pull permits

VB fee has gone to assessment under File No. VB1508. Hearing Officer will prorate the VB fee at that time. Allow for permits to be pulled.

**Referred to the City Council due back on 3/18/2015**