



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, January 6, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 15-28](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1503, Assessment No. 158802 at 1531 ALAMEDA STREET.

Sponsors: Brendmoen

Delete VB fee; Category VB 1, filed opened less than a month. (No hearing necessary)

Referred to the City Council due back on 2/18/2015

- 2 **RLH TA 15-34** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1503, Assessment No. 158802 at 1561 ALBANY AVENUE.

Sponsors: Stark

Lawrence Tan, Riverwalk Investments LLC, owner, appeared.

Inspector Joe Yannarely, Vacant Buildings:

 - made a Category 2 Vacant Building Aug 19, 2013; anniversary has come and gone
 - numerous permits have been pulled including a final plumbing; other trades are done

Mr. Tan:

 - it's already done
 - have had some challenges with mechanical inspection; believes that the only one still open; should be scheduled within the next couple of weeks
 - house is on the market for sale

Ms. Moermond:

 - will recommend cutting the VB fee in half if the work is done by Feb 18, 2015
 - If work is done by February 18, 2015, will reduce from \$1595 to \$797.00.

Referred to the City Council due back on 2/18/2015

- 3 **RLH TA 15-9** Ratifying the Appealed Special Tax Assessment for Real Estate

Project No. VB1503, Assessment No. 158802 at 1064 ARGYLE STREET.

Sponsors: Brendmoen

Rescheduled to February 3 per owner's request.

Laid Over to the Legislative Hearings due back on 2/3/2015

4 [RLH TA 15-33](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1503, Assessment No. 158802 at 1196 ASHLAND AVENUE.

Sponsors: Thao

Lawrence Tan, Riverwalk Investments, LLC, appeared.

Inspector Joe Yannarely, Vacant Buildings:

- was made a Category 2 Vacant Building Sep 19, 2012
- permits are open
- close to final

Mr. Tan:

- there's been a lot of miscommunication with inspections
- the house was sold already in early Nov 2014
- they thought that all permits were closed but for some reason there's still one plumbing permit open
- he found out when he got this Notice
- he went down to DSI about 1 1/2 months ago and all that was left open was the stucco permit; so, when that was closed, we thought that everything would be done but now the plumbing permit shows up still open (doesn't know what happened there)

Mr. Yannarely:

- right now, everything looks like it's closed
- doesn't see Seeger's final yet
- stucco says 12-18-14 finaled
- mechanical: Nov 13; plumbing Oct 31; Electrical Nov 14

Ms. Moermond:

- asked why he sold the property before it had it's Code Compliance Certificate?

Mr. Tan:

- they had a pending sale early Nov; it didn't close until Dec
- he was actually on vacation for a while

Ms. Moermond:

- you can't market and sell if it has an Order on it

Mr. Tan:

- he has Email communications back and forth with Mr. Seeger
- he went out and looked at everything; then, he wanted us to send 3 pictures and we did back in Nov but did not hear any response, so, he thought that everything was OK; then, he went on vacation, came back and received this assessment fee (He thought all was supposed to be done in Nov)

Ms. Moermond:

- wants to find out more from Mr. Seeger
 - Mr. Tan jumped the gun and he knows better
 - is inclined to cut the fee but she needs to know how much
- Reduce from \$1595 to \$797.00.

Referred to the City Council due back on 2/18/2015

- 5 [RLH TA 15-32](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1505A, Assessment No. 158504 at 1251 BLAIR AVENUE.

Sponsors: Stark

Patrick J. Kahnke, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Oct 13, 2014; compliance Oct 23; re-checked Oct 23
- work done Oct 28, 2014 for a cost of \$456 + \$40 service charge = \$496
- failure to remove refuse from yard; also secure garage door from entry
- sent to Matt Birk, 7167 Corliss Way E, Inver Grove Hts; and Occupant
- Order states: including and especially but not limited to: overflowing trash receptacle, tires in rear yard, broken granite pieces leaning against tree, scrap wood on trailer; and secure garage

Mr. Kahnke:

- he bought the property in Aug from Matt Birk
- he never saw this Abatement Order; he heard it from one of the tenants
- the house is about 1 block away from his house; they bought it to fix it up and rent it out
- their are problem tenants in the house who are being evicted this weekend
- thinks he was caught in the transition

Ms. Moermond:

- that's what the record shows
 - official notification went to the previous owner during your period of ownership; so you didn't have an opportunity to take care of it on your own
 - will recommend this assessment be deleted
- Delete the assessment.

Referred to the City Council due back on 2/18/2015

- 6 [RLH TA 14-583](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1501, Assessment No.158800 at 235 CHATSWORTH STREET NORTH. (Layover to March 18, 2015 City Council Public Hearing)

Sponsors: Thao

Dwayne Billups, tax owner, appeared.

Mr. Billups:

- got the Code Compliance Report
- hired a contractor, who is there now
- should be done by Valentine's Day
- registering Contract for Deed tomorrow

Ms. Moermond:

- this entered the Vacant Building Program Oct 2001
- City Council Public Hearing is tomorrow, Jan 7, 2015; she will ask them to Lay this Over to Mar 18, 2015
- you need to be completely finished by Mar 10, 2015 - that's your deadline; if you're done by then, she will recommend cutting the Vacant Building fee in half

Public hearing to be laid over to March 18, 2015. (Work needs to be done by March 10, 2015 and if done, will cut the VB fee in half.)

Referred to the City Council due back on 1/7/2015

7 RLH TA 15-40

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1503, Assessment No. 158802 at 941 CYPRESS STREET.

Sponsors: Bostrom

Forthcoming.

Vadim Komisarchik, Company Manager, On Time Contractors, owner, appeared.

Inspector Joe Yannarely:

- fire exempt Vacant Building since early Sep 2013
- 3 90-day extensions were granted
- Sep 2014: the entire VB fee for Sep 2013-Sep 2014 was cancelled and then charged the current VB fee for Sep 2014 - Sep 2015
- all permits have been pulled; nothing has been finaled

Mr. Komisarchik:

- yesterday we passed the electrical inspection
- today we have the final building inspection scheduled at 10:30 am
- asking for a 2-week extension to pass the final building inspection

Ms. Moermond:

- No; you were given a full entire year waiver on the VB fee

Mr. Komisarchik:

- understands but they waited 2 months for their report (code compliance inspection) from the city and that's what has delayed them
- they always have their keys in the lock box
- thinks that Mr. Seeger was on vacation for a while
- as soon as they pass the inspection today, they will get the Certificate of Occupancy

Ms. Moermond:

- if you pass today, it would have been 5 months time you spent in the VB Program
- City Council Public Hearing is Feb 18, 2015
- she will check with Mr. Ubl, Building Official to see what's going on here and based on that, she will make her recommendation; we'll see what Mr. Ubl has to say about Mr. Seeger's performance on this
- Ms. Mai Vang will make sure you get a response before the CCPH
- when you get your Code Compliance Certificate, you'll know part of the answer

Referred to the City Council due back on 2/18/2015

8 [RLH TA 15-30](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1503, Assessment No. 158802 at 1171 DAYTON

AVENUE.

Sponsors: Thao

No show; approve.

Referred to the City Council due back on 2/18/2015

9 [RLH TA 15-39](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1503, Assessment No. 158802 at 964 EUCLID AVENUE.

Sponsors: Lantry

Spencer Yares, contractor, appeared on the owner's behalf. The home owner threw away the gold card.

Inspector Joe Yannarely:

- Vacant Building fee
- fire exempt Vacant Building Dec 2013 and did not get done; Two 90-day extensions were granted: 1) Apr 29; and 2) Aug 1
- then, Mr. Dornfeld let it go to assessment
- the VB file closed Nov 24, 2014
- the VB fee covers from Dec 2013 - Dec 2014

Mr. Yares:

- he is appealing because he has never been assessed a VB fee for doing a fire restoration in St. Paul before
- has a note; they have an exemption; they talked to Rich on Jan 27, 2014
- he also wasn't aware that there was a time limit on re-building; the insurance company give them a year
- this was a very old house; a lot of framing needs to be done; the insurance company drags its feet at the start; we can't touch it until it's released by the insurance company - so, they lost some time there
- everything is new now: siding, roofing, windows, flooring, walls, etc.

Ms. Moermond:

- is puzzled; she doesn't usually see contractors on this issue; she sees owners
 - often, an insurance company does cover a VB fee
 - you got 90 days to fix the house, initially, right after the fire; then, you also got two 90-day extensions; that's a lot of time
 - it took 1 whole year; the fee covers that time period to be in the VB Program and that cost is related to how much it costs to run the program
 - will recommend approval of the assessment; thinks his insurance should cover this fee
 - City Council will vote on this Feb 18, 2015
- Approve the assessment.*

Referred to the City Council due back on 2/18/2015

10 [RLH TA 15-12](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505A, Assessment No. 158504 at 1340 FAIRMOUNT AVENUE.

Sponsors: Tolbert

Sandra Shirek, ESJ Partners LLC, owner, appeared.

Inspector Joe Yannarely:

- preliminary Vacant Building file Nov 25, 2014
- per LH officer, Marcia Moermond on Nov 25, 2014 re-opened as a prelim VB
- Summary Abatement Order was issued Oct 8, 2014; compliance Oct 13; re-checked Oct 13
- work done Oct 15, 2014 for a cost of \$498 + \$160 service charge = \$658

Ms. Shirek,

- she was here before with the VB issue
- did not get the information initially but did receive the last letter
- she changed the address last time when she was here
- during the closing of this house, there was some confusion regarding her address; so, all of the complaints and concerns from the city were not coming to her, so, she was not aware of them
- she became aware when one of her neighbors tracked her down by stalking her daughter on Facebook; secondly, when she did not get a tax statement, she came down to pay them, found they had the wrong address and changed it - so, she was not aware of this issue
- she was not living at the house
- VIDEO - removed TV, furniture, etc.
- her husband thought that she trimmed the shrubs; she thought that he trimmed them
- she was not aware of the trash near garage or that the city was going to come and remove it
- in the process of selling the house

Ms. Moermond:

- sending the notice to the wrong place is not on the part of the city; it's that the county was not informed of the correct mailing address for you
- maintaining the property is not the city's job
- VIDEO, 2nd part - tall grass and weeds/bushes in back and in alley

Inspector Paula Seeley:

- her address was modified by Matt Dornfeld on Nov 26, 2014

Ms. Moermond:

- notices went to the address on record with Ramsey Co
 - the city did the work
 - will recommend approval of this assessment
- Approve the assessment.

Referred to the City Council due back on 2/18/2015

11 [RLH TA 15-20](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505A, Assessment No. 158504 at 1041 FREMONT AVENUE.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 2/18/2015

12 [RLH TA 15-36](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505A, Assessment No. 158504 at 770 FULLER

AVENUE.

Sponsors: Thao

Mark Cemensky, owner, appeared.

Inspector Paula Seeley:

- *Summary Abatement Order issued Oct 22, 2014; compliance Oct 27; re-checked Oct 27*
- *work done Oct 29 for a cost of \$316 + \$160 service chg = \$476*
- *sent to: Mark Cemensky, 2343 Swan Dr, Mendota Heights, MN; Mark Cemensky, 1424 3rd St N, Mpls; and Occ*
- *bold letters: Garbage on the ground; mattress, box spring near alley*

Mr. Cemensky:

- *I did get the letter and went out and cleaned that stuff up*
- *he called the inspector, who said that there were still some boxes there*

VIDEO - picked up trash bags, debris, junk and scattered

Mr. Cemensky:

- *there was a lot more there when I cleaned up*
- *asked for a reduction*

Ms. Moermond:

- *No*
- *will recommend approval of this assessment.*

Referred to the City Council due back on 2/18/2015

13 [RLH TA 14-702](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 183 GENESEE STREET.

Sponsors: Brendmoen

Francis Iwuatjoku, owner, appeared.

Inspector Paula Seeley:

- *Excessive Consumption fee for noncompliance*
- *Summary Abatement Order issued Aug 8, 2014; compliance Aug 14; re-checked Aug 14*
- *refuse was still there in yard and blvd; so there's a \$155 noncompliance fee*
- *Aug 21, the yard was cleaned up and issue abated*

Mr. Iwuatjoku:

- *he didn't get that house until Nov 2014; he started negotiating in Jul*
- *he received no letters/Notices*

Ms. Moermond:

- *all this happened before you owned it so, you would have not gotten anything on it*
- *the problem is that you inherited this assessment when you bought the property*
- *she suggested that he go to the previous owner, Mark Taylor; the city sent the Notice to him in Aug and he didn't take care of it by the deadline but when the crew showed up a week after the deadline, it was taken care of; there is no charge for doing the clean-up but there is a charge for a wasted trip by the trucks*

Mr. Iwuatjoku:

- he did register the Contract for Deed with Ramsey Co

Ms. Moermond:

- will make a recommendation after she double checks the when things were registered

Forthcoming; LHO to look at history and timelines of when things were registered.

Proper notice was not given to the owner of the property. Notice was sent to Mark Taylor, the previous owner. Sale recorded 7/30/14, order issued 8/8/14.

Recommend deletion. -MM

Referred to the City Council due back on 2/4/2015

14 [RLH TA 15-10](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. 1502T, Assessment No. 159001 at 1586 HAZEL STREET NORTH.

Sponsors: Bostrom

Delete the assessment. The assessment went to the wrong property address. It should have been 1580 Hazel St. (No hearing necessary)

Referred to the City Council due back on 2/18/2015

15 [RLH TA 15-35](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. 1502T, Assessment No. 159001 at 36 KENWOOD PARKWAY.

Sponsors: Thune

Justin Kimmel, owner, appeared.

Inspector Karl Mueller, Forestry:

- dangerous tree at 36 Kenwood Pkwy

- Orders dated Aug 18, 2014; compliance Sep 5, 2014; re-checked Sep 2

- work done Sep 4, 2014

- photo

- weeping willow tree, 57 inches in diameter

- there was construction going on on the other side of the street; the construction workers notified them of the condition of the tree, which was extremely hollow; they were worried about their safety, which is why the tree was taken down the day before the Appellant's compliance date

- also, the original letters were sent out on Aug 6, 2014 with a compliance date of Aug 20; it was a property line tree, and the property owner at 38 was were concerned about the retaining wall; and one of the letters went to the wrong address, 37

Kenwood, which was the park across the street; (initially, on Aug 6, letters were sent to 37 and 38 Kenwood; then, they corrected it and sent out letters Aug 18 to 36 and 38 Kenwood)

- got a call Aug 8 requesting an extension

- the tree was removed a day early because the construction workers kept contacting them wondering when the tree was coming down so that they could get their work done

Woman:

- initially, when they sent out notification, it went out Aug 6 and because of the address confusion, they resent the information again to the correct property owners

on Aug 18, 2014

Ms. Moermond:

- the compliance date was after the tree was removed

Mr. Kimmel:

- his wife contacted Shennel after they got the Aug 6 letter and explained that they were going on vacation; we were told that they would be sending us a new letter; we went on vacation, came back and saw the new Order dated Aug 18 with the Sep 5 compliance date
 - they agree that the tree needed to come down; they are appealing because the city did the work before the compliance date
 - the letter clearly says that if you do not take action by this date, then the city shall take action; also, the Legislative Code uses the same kind of logic
 - pointed out that the Xcel Energy crew that was working down on Pleasant Street told his wife that they didn't want any tree work done until Sep 18 or thereabouts because that's when the street was going to be closed for a period of time; they didn't want to have their work going on and the tree removal and a lane of traffic happening at the same time; there might have been some misconceptions or miscommunications with the Xcel Energy crew
 - their point is that they weren't given a chance to comply and since the law very clearly says if then... they think that this assessment is invalid
 - appreciates the city's communications - staff has been great to work with

Ms. Moermond:

- she agrees

- she will recommend that the assessments for 36 Kenwood and 38 Kenwood are deleted because they jumped the gun
 Delete the assessment.

Referred to the City Council due back on 2/18/2015

16 [RLH TA 15-11](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. 1502T, Assessment No. 159001 at 38 KENWOOD PARKWAY.

Sponsors: Thune

Delete the assessment. (See RLH TA 15-35 for 36 Kenwood Parkway.)

Referred to the City Council due back on 2/18/2015

17 [RLH TA 15-29](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505A, Assessment No. 158504 at 641 LEXINGTON PARKWAY NORTH.

Sponsors: Stark

Pamela Fltch, owner, appeared.

Inspector Paula Seeley:

- clean-up

- Summary Abatement Order issued Sep 25, 2014; compliance Sep 30; re-checked Oct 1 (on Sep 25, a Pre-Authorized Work Order was created to do work after Sep 29, 2014)

- for failure to remove garbage, rubbish, brush and refuse

- work done Oct 2 for a cost of \$408 + \$40 service charge = \$448
- comments: due to severity of refuse, a pre-authorized work order was created
- sent to Pamela M Fitch, Trustee, 1140 Montana Ave W, St. Paul; and Occupant

Ms. Fitch:

- she got a Notice, thinks it was dated Oct 1, 2014 and it said, "Pay within 30 days." and she paid it Oct 15, 2014
- then, it says, next re-inspection date; she contacted the tenant and she got another garbage container and asked them to clean things up
- is appealing because it said, "If you do not have the violations corrected, you will be billed an additional \$120." Inspection was on the 8th and she paid the \$120; then, she got this letter
- she thought she had corrected everything

Ms. Moermond:

- asked Inspector to walk through the charges and explain the \$120 vs the clean-up charge

Inspector John Peter Ross:

- Inspector Essling issued 3 Orders on the same day: 1) Correction Notice for insufficient capacity of refuse container(s); 2) Summary Abatement on the amount of refuse; there was garbage in bags outside the dumpster; and 3) Pre-Authorized Work Order
- the \$120 was paid - the Correction Notice for insufficient capacity
- the charges for actually removing the refuse by Parks is the issue before us today

Ms. Fitch:

- she doesn't have that; according to hers, it says, "Sanitation: garbage outside garbage container; insufficient container capacity to store garbage generated by humans." That's all the statement says; she paid that \$120 and never received anything else
- she didn't get anything else; and she did provide another container
- she didn't get another bill until almost 2 months later

Ms. Moermond:

- that was for the actual clean-up (she has that Order in front of her; it was sent out the same day as that letter, probably in the same envelope)

Ms. Fitch:

- but I never was aware that there was going to be a clean-up
- VIDEO -
- I removed all of that by Oct 8, 2014

Ms. Moermond:

- the photos look a lot worse than the video; showed them to Ms. Fitch
- somebody cleaned up all that garbage

Ms. Fitch:

- those bags I had removed, plus the table; all of that stuff; I removed that by Oct 8
- because of all this, she is selling the place; to work with tenants who repeatedly ignore notice after notice after notice has just exhausted her; she has owned it for 39 years and never had any abatements-assessments but now, she's in the process of evicting her 3rd tenants in 5 months

Ms. Moermond:

- the VIDEO shows that was a good faith effort; there was a little more left

- therefore, she will reduce the assessment to \$50
Reduce from \$448 to \$50.

Referred to the City Council due back on 2/18/2015

- 18** [RLH TA 15-3](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504G, Assessment No. 158703 at 134 MARIA AVENUE.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 2/18/2015
- 19** [RLH TA 15-42](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1505A, Assessment No. 158504 at 455 MARYLAND AVENUE WEST (NOTE: FOUR PLEX: 1221 ARUNDEL ST, 461 AND 467 MARYLAND AVENUE WEST)

Sponsors: Brendmoen

Delete the assessment due to inspector error. No Summary Abatement Order sent to owner but a work order was done. (No hearing necessary).

Referred to the City Council due back on 2/18/2015
- 20** [RLH TA 15-8](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505A, Assessment No. 158504 at 1509 MARSHALL AVENUE.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 2/18/2015
- 21** [RLH TA 15-26](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1503, Assessment No. 158802 at 1736 NEBRASKA AVENUE EAST.

Sponsors: Bostrom

Delete the assessment because code compliance completed on time and should not have gone to assessment. (No hearing necessary)

Referred to the City Council due back on 2/18/2015
- 22** [RLH TA 15-38](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1503, Assessment No. 158802 at 1976 NEBRASKA AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 2/18/2015

23 [RLH TA 15-41](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1503, Assessment No. 158802 at 1087 RANDOLPH AVENUE.

Sponsors: Tolbert

Matt Bartlet appeared.

Inspector Joe Yannarely:

- Category 2 Vacant Building in the program since Apr 2008
- got a 90-day extension from Mr. Dornfeld on Apr 1; then, an additional 60 day extension on Jul 1, 2014
- then, he let it go to assessment

Mr. Bartlet:

- the contractor is overwhelmed; he couldn't handle the project - we had to fire him and take over the project
- now, they're a week away from being able to start scheduling inspections
- could be done as soon as a week from Fri, pending inspection schedules

Ms. Moermond:

- this VB fee covers from Apr 2014 - Apr 2015
 - she will recommend approval of this assessment
- Approve the assessment.

Referred to the City Council due back on 2/18/2015

24 [RLH TA 15-19](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1505A, Assessment No. 158504 at 613 ROSE AVENUE EAST.

Sponsors: Bostrom

Surasawadee, wife of Yae Chang, owner, appeared.

Mai Vang interprets.

Inspector Paula Seeley:

- Summary Abatement Order issued Oct 8, 2014 for failure to maintain exterior property
 - compliance Oct 13; re-checked Oct 13
 - work done Oct 13 for a cost of \$336 + \$160 service charge = \$496
 - sent to Yea Chang, 613 Rose Ave E, Saint Paul; and Occupant
 - bold letters: mattresses, buckets, wood, vehicle parts, rubbish in rear yard and sofa on apron
 - they were parking 3 vehicles on the grass in the back yard; ended up being 4 Excessive Consumption fines; they paid 1; she cancelled 2; there's a 4th EC coming up; her husband came down to the office last week and got approved for a site plan
 - it was a major clean-up
 - she would like to see the forthcoming EC fine deleted because the owner does not speak good English; they parked in the street and got 2 citations during a snow emergency, so she feels kind of bad
- VIDEO - crew picked up a lot of material

Ms. Surasawadee:

- she was not aware of the notice
- her brother was going to come and get it
- they did not know that they could not park on the grass; it's their property
- she reads the mail but doesn't understand much; neither does her husband; their children are very young

Ms. Moermond:

- Inspector Seeley is recommending that some of the fees be deleted because they filed a site plan and take care of business there
 - noted that in this letter, there's a phone number for Hmong information; in the future, call to get help
 - because of the good history and because they have taken steps to have an approved parking place; and because of the language barrier, she will delete the upcoming EC fees
 - steps need to be taken so that the mail can be interpreted
 - with respect to this clean-up, she will recommend deleting it
- Delete the assessment.

Referred to the City Council due back on 2/18/2015

25 [RLH TA 14-669](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504A, Assessment No. 158503 at 673 SHERBURNE AVENUE.

Sponsors: Thao

Tou Vang, owner, appeared.

Inspector Paula Seeley:

- clean-up
- Summary Abatement Order sent Sep 18, 2014; compliance Sep 22; Pre-authorized Wok Order
- work done Sep 22 for a cost of \$338 + \$160 service chg = \$498
- sent to Tou Vang, 1618 Park Ave, St. Paul
- bold letters: including mattresses, refuse and Veola container
- photos

Mr. Vang:

- was out of town for about a month; he saw the Notices when he came back so, he went to clean things up
- wants to know what was there that the city picked up
- VIDEO - vacant lot - mattresses, tires, scattered debris on lot and alley
- he cleaned up the stuff and now there was more
- asked for a reduction

Ms. Moermond:

- looks like what you're remembering happened in Oct where some was cleaned up and more was dumped but for this particular clean-up, the photos and Orders match

Mr. Vang:

- every other week people drop things there; he appreciates that the city crew cleaned up; he tries to stay on top of it but he can't
- he put posts there and now they are gone

Ms. Seeley:

- there's a forthcoming one for another clean-up

Ms. Moermond:

- the city crew did clean it up; Notice was provided and even though you were out of town, you are still responsible
- you need a property manager or someone to take care of things when you are gone
- is not inclined to do a reduction but will recommend approval divided over 3 years

Inspector John Peter Ross:

- suggested that he keep it as clean as possible
- install dummy cameras; post a sign saying there's surveillance

Ms. Seeley:

- suggested that he get a building permit for a temporary 6' - 8' fence just along the alley; talk to Building Official Steve Ubl
- Inspector Essling notes Dec 5, 2014: brown couch dumped on vacant lot (It's dumping)

Ms. Moermond:

- she will put a call into the permit desk today
- Approve the assessment and spread over 3 years.

Referred to the City Council due back on 2/4/2015

26 [RLH TA 15-7](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 1323 SIXTH STREET EAST.

Sponsors: Lantry

Delete the assessment. VB Program Manager talked to owner and recommended deletion since inspector never called him back. (No hearing necessary)

Referred to the City Council due back on 2/4/2015

27 **RLH TA 15-21**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1503, Assessment No. 158802 at 537 SUPERIOR STREET.

Sponsors: Thune

Nicole Basta, owner, appeared.

Inspector Joe Yannarely:

- Vacant Building fee
- entered the VB Program Dec 2011
- Dec 2013 there was a new owner; a 90- day extension was granted; another extension granted in Apr, 2014; another 90-day extension granted in May 2014; then, a 30-day extension granted Aug 27, 2014
- the VB fee covers Dec 2013 - Dec 2014
- the VB fee for Dec 2014 - Dec 2015 is also going to assessment

Ms. Basta:

- bought the house the day before Thanksgiving 2013 from HUD
- was approved by the city to buy it
- she had an inspection done and found out that the water had been turned on and the pipes burst and flooded the basement; the house was covered with frost
- had to file an insurance claim to cover the frost
- put new water heater and furnace into house

- was here in May and the LH officer granted an extension
- all the work at the house was actually done; however, the contractor who did HVAC apparently wasn't licensed in St. Paul; he was licensed in MN; he did all the work
- city inspector came out to check the work to make sure his work was done correctly; the inspector said that the work was done well; he didn't understand why a permit was not pulled
- she's been trying to find another contractor who would put his name on the work that already been done and pull the permit or rip it all out and re-do it all
- she found another person and the permit should have been pulled this morning; the ORSAT test is done; should have it approved this afternoon
- plumbing is all done; waiting for the HVAC inspection to go thru before they'll do their final inspection
- then, I need the city to come back and do their final inspection
- has a letter from Wells Fargo releasing the rest of the money from the rehab loan; Oct 14, the rest of her loan was released to pay her contractors
- waiting for the HVAC permit so her final inspection can go thru
- it doesn't look like a vacant house any more; just waiting to get in
- she will live in this house; her kids already have some toys upstairs

Ms. Moermond:

- the VB fee is for an entire year from Dec 2013-Dec 2014; next year, you will be out of the VB Program right away
- will recommend this VB fee be approved, divided over 5 years

Mr. Yannarely:

- explained what the VB fee covers
- you will be getting another assessment immediately for this coming year's VBfee

Ms. Moermond:

- if this is done within a month or two, she will be inclined to delete that one, so, that one will be gone
 - this one is for this last year and that time period is overwith
- Approve and spread payments over 5 years.

Referred to the City Council due back on 2/18/2015

28 [RLH TA 15-1](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1503, Assessment No. 158802 at 452 THOMAS AVENUE.

Sponsors: Thao

Reduce from \$1595 to \$500, as it has been sold and is now occupied. The old owner is Preserve Frogtown and it's the title company who has cut the check to pay the fee. Because it will have been apid, prior to the Council acting on the reduction, a refund would need to go through per Legislative Hearing Officer.

Referred to the City Council due back on 2/18/2015

29 [RLH TA 15-4](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505A, Assessment No. 158504 at 1243 WHITE BEAR AVENUE NORTH.

Sponsors: Bostrom

Charles Stately, owner, appeared.

Mr. Stately:

- didn't get a Notice and when the city came and started to cut, his girlfriend went outside and asked what was going on; they didn't explain; she asked them to stop and said that they could do it; they have all the tools
- she took the truck number and called him at work; he came home and was very disappointed
- they don't use chemicals on their "bee garden;" the flowers may look like weeds to someone else
- he called James Thomas twice; his girlfriend was very upset

Inspector Paula Seeley:

- tall grass and weeds Order was sent Oct 2, 2014; compliance Oct 6; re-checked Oct 7
- work done Oct 9 for a cost of \$80 + \$160 service charge = \$240
- sent to Charles Stately, 1243 White Bear Ave N; and Occupant
- no returned mail
- some past history back in 2008-09

Mr. Stately:

- we never got a Notice
 - will recommend this assessment be deleted
 - it's kind of a marginal situation with the height of the grass
 - it's helpful for everyone to have a "bee garden;" suggested that they label it "Bee Garden"
- Delete the assessment.

Referred to the City Council due back on 2/18/2015

- 30 RLH TA 14-695** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 1059 PARK STREET. (Amended to delete)

Sponsors: Brendmoen

No show; approve the assessment.

Laid Over to the Legislative Hearings due back on 2/3/2015

Staff Reports

- 31 [RLH TA 14-679](#)** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 118 MANITOBA AVENUE (SAME PIN NUMBER AS 120 MANITOBA AVENUE).

Sponsors: Thao

STAFF REPORT: After reviewing the file, staff still can't figure out the ec situation. Due to error, recommends deleting the assessment. (No hearing was necessary)

Referred to the City Council due back on 2/4/2015

Special Tax Assessments - ROLLS

- 32 RLH AR 15-13** Ratifying Collection of Vacant Building fees billed December 6, 2013 to August 26, 2014. (File No. VB1503, Assessment No. 158802)

Sponsors: Lantry

Referred to the City Council due back on 2/18/2015

- 33 **RLH AR 15-12** Ratifying Property Clean Up services during October 1 to 30, 2014. (File No. J1505A, Assessment No. 158504)

Sponsors: Lantry

Referred to the City Council due back on 2/18/2015

- 34 **RLH AR 15-11** Ratifying Trash Hauling services during October 1 to 29, 2014. (File No. J1504G, Assessment No. 158703)

Sponsors: Lantry

Referred to the City Council due back on 2/18/2015

- 35 **RLH AR 15-10** Ratifying Tree Removal services from October 2014. (File No. 1502T, Assessment No. 159001)

Sponsors: Lantry

Referred to the City Council due back on 2/18/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 36 [RLH SAO 15-1](#) Appeal of Michael McCoy to a Vehicle Abatement Order at 579 BIDWELL STREET.

Sponsors: Thune

Note: I had difficulty listening to the recording because the interpreter was interpreting while others were speaking. J.A.B.

Michael McCoy, owner, and his wife, Maria Securo appeared; also interpreter Marcello Jaramillo.

Inspector John Peter Ross:

- Dec 12, 2014, Inspector Kaisersatt received a complaint regarding abandoned vehicles at this address

- the inspector discovered 2 vehicles at the site: 1) gray mercury; and 2) white chevrolet; both lacking current tabs; they also appeared to be inoperable; they were also parked on an unapproved surface

- no photos

- compliance was Dec 26, 2014

- shortly after issuing these Orders, the inspector went on vacation; there might have been a few attempts to reach him regarding an extension; the inspector would probably been open to an extension, however, the extension asked for was summer 2015, which seems excessive for 2 abandoned vehicles lacking current tabs

- there is no history related to this property other than the VB

Mr. McCoy:

- a related issue: they have a tenant who has promised to make Mr. McCoy's life difficult; they have called the police on them and so have neighbors
- these vehicles belong to him; they live upstairs at this property; the tenants live downstairs
- his wife is from Mexico and they were going to take the vehicles down to Mexico in the summer of 2015
- he gave the tenants Notice to vacate and they have retaliated with this

A Recess was taken from 12:26 - 12:30 pm so that Ms. Moermond could read the attachments.

Ms. Moermond:

- has questions
- she noticed that in the police log that Mr. McCoy provided, there was a significant amount of activity in 2008

Mr. McCoy:

- they did not own the property at that time

Mr. Ross:

- it became a Vacant Building shortly after that
- was asked to bring up an aerial photos of this property

Mr. McCoy:

- re: emails to Cmdr Stryker; he was transferred to Jerue and there are 10 emails back and forth with him; most of the talk was about how to get rid of these tenants
- Order for Protection - disappointing
- secured an attorney, who provided a sample Notice to Vacate and a 30-day Notice to leave; that time is not up yet; eviction is probably
- drew a layout of the property, noting the location of the vehicles
- their garage is full of storage and the car that he drives
- the vehicles in question are not currently being driven but they are operable
- can put 1 car into the garage; and the plan is to take the truck to Mexico

Ms. Moermond:

- is not confident that this situation will resolve itself by taking a trip to Mexico
- if you want to drive it down to Mexico, get it out of the yard and put it into the garage; she wants to give him enough time so that he has some warm days to get the garage cleaned out
- deadline for getting the vehicles out of the yard is Feb 28, 2015; if it's not done, the city will tow them and the charge to you will be significant; maybe you can sell them or store them somewhere else

Mr. McCoy:

- what does he do about the other issue?
- the police really don't listen to them
- when he calls the police, they flatly refuse to put their statements into their report; Officer Daniel Peck flat out refuses to put anything into his report that they tell him; apparently, witnesses are not important in this case

Ms. Moermond:

- she will put in a call to SPPD to make sure that they are aware of the Appellants' concern; and the tenants' disturbing behavior is not fair to you; it's a legitimate complaint
- Grant an extension until February 28, 2015 to remove both vehicles.

Referred to the City Council due back on 2/4/2015

37 [RLH SAO 14-50](#) Appeal of Anastasia Mastrogiorgos to a Vehicle Abatement Order at 30 MISSISSIPPI RIVER BOULEVARD NORTH.

Sponsors: Stark

Anastasia Mastrogiorgos, occupant, appeared.

Inspector John Peter Ross:

- Vehicle Abatement
- photos
- this appears to be more of a neighbor complaint than anything else; this dispute goes back to 2009
- there are 2 vehicles parked in the alley: 1) a Corvette; and 2) an Alero
- there was a question on whether one car was impinging on the alley right-of-way and whether the other vehicle was operational; he spoke with the husband and asked him to move the more egregious of the cars to the front of the house, he thought it would be fine
- there have been complaints since 2009; other inspectors have been out there
- aerial photo shows Corvette and the other car
- has photos from 2010 of the same
- he is not certain that the Corvette is operational; has tarp over it and it has been without tabs in the past
- the Order is to ensure clearance to the alley, particularly for snow plows and to ensure that the Corvette is operational

Fire Inspector Leanna Shaff:

- from a fire standpoint, we need 20 feet in the alley; 10 feet clearance needs to be provided

Mr. Ross:

- the alley ROW is 20 feet; unless it's a congested alley area, 10 feet of clearance needs to be provided as long as you are not within 20 feet of someone else's garage or within 5 feet of someone's driveway or alley area
- one car is about 16 feet or 4 feet into the alley ROW; and the other is a couple feet into the alley ROW
- they are within 20 feet
- the Corvette could have been moved closer to the garage as long as it's operational and has current tabs

Ms. Mastrogiorgos:

- her husband moved the Corvette closer to the garage; the other car we now park in front of the house
- according to the parking rules, she can still park her car in back of the house

Ms. Shaff:

- the Fire Dept requires 20 feet in the alley

Ms. Moermond:

- the problem is that it made it through site plan review

Ms. Mastorgiorgos:

- entered a diagram of where everyone's garage is along the alley; showed which people do not use the alley at all; alley is L-shaped
- her house is in the middle of the block

Ms. Moermond:

- thinking that the problem with the ROW situation here is that the sidewalk is lining up perfectly; the sidewalk is well within the ROW area; it makes sense to her; if that is their property, they could park there
- one of those cars isn't going to fit (they have a little fence and gate there)

Ms. Mastorgiorgos:

- according to this, we could park there; our nbr sometimes parks there

Ms. Moermond:

- sees some options: 1) try to acquire half of the alley if not being used by your surrounding neighbors (you'd need a vacation of the alley - the neighbors have to agree); don't know if that's a viable option; 2) she is uncomfortable with this situation where that's clearly in the ROW - there is some merit in the argument about the Fire Code being inconsistent with the Engineering take on the situation; when there are a couple codes addressing a situation, she will go with the more conservative of them; and 3) is comfortable with

Ms. Mastorgiorgos:

- her dad had the property surveyed a long time ago when she was a kid
- she can look for survey

Ms. Moermond:

- the survey would make it 100% clear about where the property line is and where you can be
- the company may still have the records
- thinks that you should be allowed to park within you own property lines

Ms. Mastorgiorgos:

- the Corvette is operational; they had been gone for 2 weeks and they don't use it all the time
- her mom had been very sick and her brother was going back and forth to take care of her; she was too - also, she had just moved back from NY; she didn't know that the license plate had changed and she put the new tabs on the wrong license plate - that's what started it
- she could ask her neighbor to write a note and sign it about allowing the Mastorgiorgos to park a little on that property
- everybody's car there sticks out along the alley

Ms. Moermond:

- she is comfortable with the car being over the property line and not into the ROW if her neighbor is OK with that
- she would really like to see the survey on this, if one still exists; if you find the pin, the company name will be on that
- things are frozen right now; so, let's wait a while on that
- get something from the neighbor and you can park you car there for now or just park in front
- will LAY this OVER for 2 months
- if the survey gives you more information, get it to us and we'll share it and put it to rest

Layover to get survey information and letter from neighbor. (STAFF REPORT ONLY)

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

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 38 [RLH VO 15-1](#) Appeal of Jai Vang to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 432 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Jai Vang, Appellant, owner of business, appeared; Hue Tran, owner of building, appeared; Hoang K. Tran, Attorney representing Hue Tran, appeared.

Mr. Tran:

- here today to request more time; Ms. Tran already complied with most items on Inspector Spiering's list except for removing some furniture on the 2nd and 3rd floors

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Revocation and Order to Vacate dated Nov 12, 2014; re-inspection Nov 18, 2014; still noncompliance

- Inspector Wayne Spiering conducted the first inspection in late Sep 2014

- he found that the 2nd and 3rd floors were being used for sleeping/living purposes; however, that is not an approved use

- he gave Orders to take care of quite a few items: boiler had been replaced and there are open mechanical permits as of yesterday; furnace has a burned out cover (photos); city needs documentation of hood cleaning; etc.

- also, in the last round of inspections in 2013, these floors were also being used for sleeping purposes and Inspector Skow-Fiske successfully vacated them

Ms. Moermond:

- primary reasons for Revocation: 1) occupying 2nd and 3rd floors; and 2) the furnace situation (boilers - one in basement, items 1 and 6)

- there were 16 items on the Sep list; and 9 items still remain; some effort has been made

Mr. Tran:

- looking for more time

- only thing remaining in this building is from the previous owner; he sold it to Ms. Tran at the end of 2013; when he spoke with Inspector Spiering, he discovered that the owner had not done what he was supposed to do but he took Ms. Tran's money; Ms. Tran owns another restaurant behind this building and she works nearly 7 days a week

- Ms. Tran received a letter dated Nov 25, 2014 with 9 deficiencies; she complied with almost everything except for the furniture; he spoke with her about a week before Christmas and told her that she needed to comply; he contacted his friend at the Social Service Office but no one seemed to care about the furniture during the holiday season; he contacted him again yesterday; the furniture will be gone by the end of this month and we will have complied with everything

Mr. Tran:

- she already replaced the boiler

Mr. Vang:

- the furnace is all done; the contractor/permit holder needs to call the city to inspect and final it

Ms. Shaff:

- a lot of Emails have gone back and forth between parties (Zoning, Project Facilitator

Jeff Fischbach, Inspector Spiering, the owner, etc. about what needs to happen with this property - about what's needed to be residential, etc.); she provided them for the record

Ms. Moermond:

- *will take a Recess in order to read the Email chain*
- *according to the correspondence, it sounds like that sometimes the 2nd and 3rd floors were used when some people were here from out of town*

Mr. Vang:

- *he used the 2nd floor for his children when they are out of school and sometimes they do sleep there*
- *they will clear everything out of the 2nd and 3rd floors and have a re-inspection*
- *they need time to get all that done*
- *no one will be sleeping there*
- *they had scheduled a time for the kitchen hood cleaning but that party decided not to come at that time, so they had to re-schedule*

Mr. Tran:

- *he will follow-up with the furnace issues and inspection*

Ms. Moermond:

- *nothing is done until an inspector signs off on it*
- *will give them 2 weeks to complete things*
- *City Council Public Hearing is Jan 21, 2015*
- *Grant until January 23, 2015 for compliance or the property must be vacated by February 13, 2015.*

Referred to the City Council due back on 1/21/2015

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 39 [RLH FCO 15-2](#) Appeal of Marc D. Hudson to a Correction Notice-Complaint Inspection and Inspection Appointment letter at 975 BEECH STREET.

Sponsors: Lantry

Marc D. Hudson, owner, appeared.

Fire Inspector A. J. Neis:

- *Fire Correction Notice dated Dec 8, 2014 by Fire Inspector Brian Schmidt*
- *complaint came in Dec 5: bathroom in disrepair, kitchen tile in disrepair, bedroom doors don't close properly*
- *Dec 8: Inspector Schmidt conducted a complaint inspection and found 7 code violations*
- *Mr. Neis noticed that the Fire Certificate of Occupancy inspection was also due so he scheduled that for Jan 8, 2015 at 11 am*
- *Mr. Hudson is asking for additional time to make the repairs; he also doesn't agree with some of the Orders*
- *photos in the file: kitchen floor tiles have been removed and front of property*

Mr. Hudson:

- *his tenants are destructive; he found even more things broken*

- when he goes in and fixes things, the tenants just tear it up again; on New Year's Eve, they snatched the bathroom mirror right off the wall (they were drunk); they already owe him \$50 late fee for Nov; then have no damage deposit left; they are past that
- he did not get a letter from the inspector until Dec 22; the letter is postmarked Dec 8, 2014
- he tries his best to help people who need help; he goes out on a limb for them
- most things have already been taken care of; he just needs 4-5 days more
- he will give tenants proper Notice and let them go

Ms. Moermond:

- a few days more doesn't bother her but this inspection was based on a complaint and the inspector will need to do a full C of O inspection when he comes Jan 8; then, he will give you more time
- if you are living in this house yourself, you won't have to be in the C of O Program
- will Lay this Over until next week, Jan 13, 2015 and we'll deal with the deadlines

Laid Over to the Legislative Hearings due back on 1/13/2015

40 [RLH FCO
14-162](#)

Appeal of Nicholas Davis to a Fire Inspection Correction Notice at 1393 BRENDA AVENUE. (Public hearing continued from December 17)

Sponsors: Stark

No one appeared.

Fire Inspector A.J. Neis:

- spoke with someone from PED, who was investigating this further; we were going to touch base in a couple more weeks; he was looking for evidence to see if there was any indication that this was a duplex; he advised him on the findings from the previous appeal
- the permit situation for remodeling had them quite confused; they did get it all figured out
- Mr. Neis indicated that he thought this had been a single family home that was used as a mother-in-law type apartment within the same single family and whoever purchased it after that assumed that they could use it as a duplex

Ms. Moermond:

- yes; a single family home in the back of the property (1395); single family home converted to a duplex in the front of the property (1393); they would need to go thru a variance process (may not be viable for them)
 - we will have to close this case; he needs to move more quickly
 - City Council Public Hearing is scheduled for Jan 21, 2015; we owe it to the Appellant to get this closed; and the Council will have no patience with another Layover
 - will recommend denial of this appeal
- Deny the appeal.*

Referred to the City Council due back on 1/21/2015

2:30 p.m. Hearings

Vacant Building Registrations

41 [RLH VBR 15-1](#)

Appeal of Karen Bliss to a Vacant Building Registration Renewal

Notice at 733 CHARLES AVENUE.

Sponsors: Thao

Karen Bliss, owner and Bill Bischman appeared.

Inspector Matt Dornfeld:

- was made a Category 2 Vacant Building Jan 15, 2014 by Inspector Mike Kalas
- went through the city's Sale Review Program and approved May 15, 2014
- all trades permits are on file and open
- code compliance inspection file
- property has been maintained; no issues
- 2014 - 2015 VB fee was paid by check
- 2015 - 2016 VB fee that's due

Mr. Bischman:

- she was approved Dec 27, 2013 when the property was acquired but the city and the bank squabbled over assessments until the end of Apr 2014 so, they didn't get started until then
- they had thought that all they had to do was get the building ready to rent
- they have finishing plumbing to do and painting upstairs; some trim work
- all utilities are in and working
- they've been trying to schedule the plumbing inspector; however, he's been very busy
- waiting for a couple things to get tested
- thinks that they will have a few weeks of work left if they go slowly
- they have hot water heaters that are scheduled for a rebate and need signing off, too

Ms. Bliss:

- it's been a long process; had to fire a couple of contractors; had to re-do things
- all outside maintenance is paid for
- could move into the lower unit tomorrow
- she could use that \$1400 for the property

Ms. Moermond:

- sounds like you're really close
 - the VB fee covers Jan 2015 - Jan 2016
 - thinking that you will be done in 90 days and have inspections complete
 - provided phone number for Steve Ubl, Building Official, 266-9021; he would take care of all those trades things; call him before 9 am
- Waive the Vacant Building fee for 90 days.*

Referred to the City Council due back on 1/21/2015

42 [RLH VBR 15-4](#)**Appeal of Dale Ross to a Vacant Building Registration Notice at 992 HATCH AVENUE.**

Sponsors: Brendmoen

Dale Ross, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- this was Fire Certificate of Occupancy that was Revoked by Inspector Lisa Martin and stamped by Inspector A. J. Neis on Dec 22, 2014 and referred to the Vacant Building Program as a Category 2 VB
- in the Revocation, they noted that standard affidavits for the furnace, smoke

detector, CO2; also documented scraping and window repair; door latch

- Revoked as multiple with minimal code violations
- VB inspectors found the house to be vacant and secured
- issued Summary Abatement for a couple discarded tires and a bag of refuse near the garage
- it's in pretty good shape for a Cat 2 VB

Mr. Ross:

- this house was awarded to him through his brother's passing away; after they cleaned the house up, they put it up for sale for a couple of months and then, decided to rent it; they rented it out for a year
- the tenant, who was just removed from the residence, caused a lot of damage to the residence
- he used Renters Warehouse to go through and fix all the items
- had a recent fire safety test completed by Deem, which he Emailed to Lisa Martin
- question: egress windows and fence; they say that the fence creates an exit obstruction for the windows; has photos, fence company, schematics, etc.
- is asking for a waiver for the fence so that they don't need to remove the fence, if possible

Mr. Dornfeld:

- Apr 25, 2010 finalized: Inspector Virgil Thomas approved the fence

Ms. Moermond:

- doesn't like there's even 2 feet between the fence and foundation; looks more like 18-20 inches

Mr. Ross:

- they fixed everything on the deficiency list
- they probably have about another 2 weekends worth of work just to get the house ready to be sold (simple things)
- the egress/fence issue needs to be signed off, then will be able to rent it again

Ms. Moermond:

- will recommend that Council deny this appeal; 18-20 inches just isn't sufficient when trying to get out in case of an emergency; so, you won't be able to use that room for sleeping
- she doesn't like any fence right there; you can begin the fence starting at the back corner of the house
- if you remove the fence, you will be in compliance; you can remove the fence - cut it down
- let's communicate this to Inspector Martin

Mr. Ross:

- no one is living there right now; been empty since the end of Nov 2014

Ms. Moermond:

- will recommend denying any type of variance on the egress requirement
- Waive the Vacant Building fee for 90 days to get Fire Certificate of Occupancy reinstated.

Referred to the City Council due back on 1/21/2015

43 [RLH VBR 15-2](#)

Appeal of Andrew Myers to a Vacant Building Registration Fee at 220 WINIFRED STREET WEST.

Sponsors: Thune

Andrew Myers, Restoration Real Estate LLC, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- *Inspector Dennis Senty opened a Category 2 Vacant Building Dec 12, 2013*
- *Restoration Real Estate LLC went thru the Sale Review process and was approved Oct 15, 2014*
- *all trades permits are open*
- *Mr. Senty documented that the building has been maintained; no issues*
- *2014 -2015 VB fee went to assessment*
- *2015-2016 VB fee just went to assessment Jan 2, 2015*

Mr. Myers:

- *owned since Oct 23, 2014*
- *the rehab is coming along good*
- *all trades are completed; being sheet rocked right now*
- *should be finished in 3 months*
- *converting from a duplex to a single family*

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.

Referred to the City Council due back on 1/21/2015

3:00 p.m. Hearings

- 44** [RLH OA 14-35](#) Appeal of Meeghan Francisco to an Encroachment Permit Denial at 155 SIDNEY STREET EAST.

Sponsors: Thune

Deny the appeal.

No one appeared.

Staff: David Kuebler, Public Works

Ms. Moermond:

- *re: PW denial of a fence encroachment permit - follow-up*

Mr. Kuebler:

- *the property line does not include the walkway from the house to the garage; walkway is a small private sidewalk*
- *Appellant wants to put up a fence on the outside of the walkway to enclose it within her property*
- *the sidewalk is narrow, 16-18 inches wide and in the right-of-way; the alignment is even screwed up*
- *there is also no public sidewalk in the right-of-way*

Ms. Moermond:

- enclosing the narrow walkway within her property is not a good enough reason to put up a fence encroaching the public right-of-way
- will recommend denying this appeal
- with respect to the neighboring property at 149 Sidney, she will make a call to Mr. Ubl

Referred to the City Council due back on 1/21/2015