



# 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, July 9, 2013

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments - Layover

- 1 [RLH TA 13-384](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310B, Assessment No. 138111 at 1818 MINNEHAHA AVENUE WEST.

**Sponsors:** Stark

*Approve the assessment.*

*RE: 1818 Minnehaha Ave W (C-Grocery/Convenience)*

*No one appeared.*

*Ms. Moermond:*

- we needed to see a police report*
- Mr. Khalid said that the window was small but cigarettes and a few other items had been stolen*
- Case #13058439 (attached): found merchandise outside on the ground by the store; no one was available; police tried to call several numbers associated with the store - no one answered*
- police made a good faith effort to find someone*
- will recommend the Council approve this assessment as written*
- we made a commitment to call Mr. Khalid through Mr. Anwar because we need interpreting services (Mai will take care of that)*

**Referred to the City Council due back on 7/24/2013**

- 2 [RLH TA 13-437](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1310, Assessment No. 138814 at 479-481 BURLINGTON ROAD.

**Sponsors:** Lantry

*Approve the assessment and spread the payments over 5 years.*

*RE: 479-481 Burlington Road (Duplex)*

*Jim Campbell, owner, appeared.*

*Inspector Joe Yannarely:*

- Vacant Building fee*

- entered VB Program Oct 28, 2010
- was sold May 23, 2012
- because of the sale, there were 2 extensions of the VB fee to allow for a Code Compliance completion (1 for 90 days; the other for 60 days)
- they did not get the Code Compliance sign-off in time, so the VB fee has been assessed
- the building is still a Category 2 VB

Mr. Campbell:

- asking for a little more time and a little less fee
- they tried to buy the property in Feb 2010 but because the building had lost its duplex status, they were thinking about backing out of the deal; however, they spent about 2 months getting the duplex status back (petitioned the neighbors)
- it was winter and there was no heat; also, a lot of smells were hidden at that time
- they didn't realize how deep the project was; it was an eye soar
- they live 2 blocks from this house
- they closed the end of May, just as work started to pick up for him (carpenter contractor)
- looking into it, their target was 9 months; however, they went over that time
- they are in no position to fix it up and sell it; they would lose money and the neighbors wouldn't be very happy
- they have been getting compliments on the work (new siding, new windows, new overhead garage doors, new mechanicals, etc.)
- plumbing, heating and electrical inspections have been made; they are done
- Jim Seeger has not yet signed-off
- interior is about 90% done
- has photos
- want to get good renters in there for the neighborhood by Sep 1, 2013

Ms. Moermond:

- scanned the photos
- out of a 12-month time period that the VB fee would apply to, you have already been in it for 9 months out of those 12
- she can't see her way clear to prorating it to be less or waiving it any more; she can divide up payments over 5 years
- if they are finished by the end of Oct, I'll just call it a year, you will be charged the whole amount of the fee for 1 year
- the next bill would be the time period covering Oct 29, 2013 - Oct 29, 2014
- will recommend approval payable over 5 years
- City Council Public Hearing Aug 7, 2013

**Referred to the City Council due back on 7/24/2013**

- 3 RLH TA 13-415** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310A, Assessment No. 138522 at 1390 DESOTO STREET.

**Sponsors:** Brendmoen

*No show; approve the assessment.*

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

- 4 RLH TA 13-436** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1310, Assessment No. 138814 at 408 LAFOND AVENUE.

**Sponsors:** Carter III

*Reduce the assessment from \$1595.00 to \$250.00*

*RE: 408 Lafond Ave*

*Inspector Paula Seeley:*

- Inspector Essling recommends prorating the fee because it's close to the sign-off per the inspector*
- the Code Compliance was issued Apr 19, 2013*
- will recommend reducing the assessment to \$250*

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

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

**Sponsors:**      Bostrom

*7/9/13: John Gartner called obo Paulette Gartner, can't make hearing due to rain. LHO ok'd to layover to July 23.*

*Rescheduled 2x - no show; approve the assessment.*

**Laid Over to the Legislative Hearings due back on 7/23/2013**

- 6**      **RLH TA 13-407**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1309, Assessment No. 138210 at 801 PIERCE BUTLER ROUTE/791 AVON STREET NORTH.

**Sponsors:**      Carter III

*Approve the assessment.*

*RE: 801 Pierce Butler Route / 791 Avon St N (Duplex)*

*Floyd Anderson, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy for a duplex*
- cost: \$200 + \$150 service charge = \$350*
- orders dated: 12-7-12; 1-23-13 and approved on 1-24-13 with deficiencies (let the painting go until spring)*
- billing dates: 1-28-13 and 2-27-13*
- sent to Mr. Anderson, 781 Englewood Ave, St. Paul*
- there is a record of Mr. Anderson looking for extensions for the inspections due to closing down a cabin, deer hunting, etc.*
- his son met Inspector Martin*
- their letters are quite clear*

*Mr. Anderson:*

- didn't know anything about this*
- wife said I needed to show up here - something about a Certificate of Occupancy*
- Mr. David Bergman is coming this afternoon at 2 pm to do an inspection*
- he did was he was supposed to do; Ms. Martin said she was going to come back at the end of Jun to do a final but she never came back*
- he has no problem paying the bill*

*Ms. Moermond:*

- this is about the bill for the Certificate of Occupancy*

- will recommend approval
- City Council Public Hearing Aug 7, 2013

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

- 7 RLH TA 13-434** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1310, Assessment No. 138814 at 2100 SUBURBAN AVENUE.

**Sponsors:** Lantry

*No show; approve the assessment.*

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

#### **Special Tax Assessments - New (CPH 8/21/13)**

- 8 RLH TA 13-427** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310P, Assessment No.138409 at 573 CHARLES AVENUE.

**Sponsors:** Carter III

*Delete the assessment; graffiti waiver on file.*

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

- 9 RLH TA 13-416** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No.138307 at 842 CLEAR AVENUE.

**Sponsors:** Bostrom

*Approve the assessment.*

*RE: 842 Clear Ave (Single Family)*

*Thomas Rogge, tax owner, appeared.*

*Inspector Paula Seeley:*

- Excessive Consumption fee
- snow letter issued Feb 26, 2013; compliance date: Feb 29
- re-checked Mar 4 and the sidewalk was still icy; Work Order sent
- orders sent to Robert Rogge, 1734 Evergreen Dr, Woodbury; and Thomas Rogge, 842 Clear Ave, St. Paul
- no returned mail
- cost: \$120 + \$35 service charge = \$155
- photos of icy and rutted

*Mr. Rogge:*

- how does he know Ms. Seeley's photos are of his address? Where's the picture of his house?
- he also has photos
- he also has newspapers
- he had help and he has witnesses
- he has a story to tell
- he's going to go the CC Public Hearing anyway because this is not true

*Ms. Moermond:*

- asked Mr. Rogge to Email his phone photos to the office so that they can be

*attached to the record*

*Mr. Rogge:*

- he is appealing because the work was done; the finish date was Feb 28, 2013*
- Ms. Seeley said that she was out there on a final inspection on Mar 4 (Ms. Seeley disputed and said it was Mar 1); Mr. Rogge: "That's not what the letter says." He doesn't know where she got the Feb 29 date*
- they live on hills and the winter was very snowy, icy and rainy*
- he and his neighbor next door, Micah, both worked on it together; he also got his brother-in-law to help; they salted and sanded and shoveled; his was completely done by Feb 28, 2013; the neighbor's still wasn't that good but he did not get an Excessive Consumption ticket*
- and he hasn't had any consumption at his house for well over 1 1/2 years; it should not be over \$110 fee; it's supposed to be closed; any consumption lasts for a year; is that not true?*

*Ms. Moermond:*

- there's another kind of Excessive Consumption, when the work isn't done when the inspector shows up*
- 2 kinds of Excessive Consumption: 1) one has to do with 3 incidents in a year; and 2) the other has to do with the inspector making a trip when the work wasn't done; so, you're paying for a trip charge*

*Mr. Rogge:*

- but it was done*
- Mon Mar 4, we had 4 inches of snow; he went out and cleaned it up*
- Tue Mar 5, we had 5.4 inches of snow but prior to that, it was shoveled again on Mar 4*
- he had his brother-in-law, his neighbor, etc. - they will all come in and testify at City Council*
- he has all sorts of pictures; he was prepared for this*
- he tried to call Inspector Ed Smith but he was on vacation; "That's why Ms. Seeley was taking care of it; and as you know, Paula Seeley and I don't get along." He thinks Ms. Seeley saw his address and just pushed this through, as normal*
- the work was done; it was completed on time; there's no reason for these fees*
- he is going to be pro-active and try to stop this*

*Ms. Moermond:*

- you haven't brought me these witnesses and I haven't seen your photos, so, it's really hard for.....*

*Mr. Rogge:*

- well, I'm not going to lie to you; I am here and I will get those photos to you*
- do you want to extend this because I'm going to take another fee on my house from Paula Seeley that shouldn't be there*

*Ms. Moermond:*

- there's no reason to raise your voice*

*Mr. Rogge:*

- there is, because I've been getting harassed by Paula Seeley continually for the last 5 years*

*Ms. Moermond:*

- I would like to see your photos on the record; it's easier if we can have the information together before it goes before Council*

- you certainly can bring additional people to Council to testify

Mr. Rogge:

- his biggest problem is that the work was done; he even called Parks; they did nothing

- she did not inspect that on Mar 4; it says she came out on the 4th; we had 3.9 inches of snow - you can check the weather report; the next day was 5 inches; it was cleared each day; there was ice there prior to the 20th

- just like the guy before me, the letter went out on the 26th; I got it on the 28th; I had to call for help and I then called the neighbor and we did it right away; we worked on it for hours because of the way the weather was this spring

- looked up the weather reports and wrote it down

- you guys can look it up; it's public knowledge

Ms. Moermond:

- if you want information to be part of your argument, part of what you want to say, then, you need to provide the information

Mr. Rogge:

- he took a picture of the newspaper of that day and he took pictures of a newspaper on Mar 4; she did not come out and check it; if she did, she saw fresh snow on a clean, totally open sidewalk

- there is no consumption open on my house; it shouldn't be \$110

Ms. Seeley:

- she remembers taking the photos on a Fri; they may have the next Mon's date on them if she entered that work on the Mon if she didn't enter it on that Fri

- reading from her notes: "walk not shoveled - Mar 4 - Work Order sent - on Micah's property; and the city cleaned it up for \$2\_\_

Mr. Rogge:

- his sidewalk was better than his neighbor, Micah's house, and he did not get a ticket; why not? My sidewalk was even cleaner than his and we worked together on my sidewalk; he hadn't done his (838 Clear Ave); How did he pass and not me?

- the city did not clean up the neighbor's sidewalk; they were never there and he didn't get the charge

- he will be coming to the Council meeting; he wants to get in front of the Council with his witnesses

- he's tired of the harassment - "the way you guys operate around here"

- I'm not putting up with it; I'm not taking another charge on my house that shouldn't be there

- you're not doing your job; he didn't get a charge for \$2\_\_; I talked to Parks

Ms. Moermond:

- we do not have Mr. Rogge's photographs

- he does not have his other information about the weather: snow falls

- it could have happened that the sidewalks were cleaned-up but snow, ice, rain developed right after that before the inspector checked and so it looked as though it hadn't been cleaned-up

- lacking any more information, she will recommend approval of this assessment

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

**10 RLH TA 13-418**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 667 FOURTH STREET EAST.

Sponsors: Lantry

*No show; approve the assessment.*

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

- 11 [RLH TA 13-440](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310P, Assessment No. 138409 at 539 MANOMIN AVENUE.

**Sponsors:** Thune

*Delete the assessment; graffiti was at neighbor's property.*

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

- 12 **RLH TA 13-417** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 1178 MARGARET STREET.

**Sponsors:** Lantry

*Approve the assessment.*

*RE: 1178 Margaret St (Single Family)*

*Judy Gustafson, owner, appeared.*

*Inspector Paula Seeley:*

- *Excessive Consumption fee*
- *snow letter issued Feb 19, 2013; compliance date Feb 21, 2013*
- *snow had been somewhat cleared but not good enough*
- *a 2nd notice was sent out Feb 25 with a compliance date of Feb 28, 2013*
- *re-checked Feb 28 and the sidewalk was not clear*
- *a photo was taken and a Work Order was sent*
- *Parks said that the work had been done by owner but because he had 2 chances to do it, and Excessive Consumption fee went out for a cost of \$120 + \$35 = \$155*
- *sent to Michelle Swanson, 1178 Margaret; also to the Occupant*

*Ms. Gustafson:*

- *She didn't take possession of this property until May 1, 2013; has documents*

*Ms. Moermond:*

- *this Order went out to the previous owner during their period of ownership; Michelle Swanson was notified as the owner and she should have taken steps to address this; because she did not address it, the cost ended up being attached to the taxes (assessments go with the property)*
- *suggested Ms. Gustafson talk to Ms. Swanson and also her realtor about making an arrangement on this*
- *Ms. Swanson is culpable; she didn't do the work on it*
- *provided Ms. Gustafson the information*
- *must recommend approval of this assessment*

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

- 13 **RLH TA 13-422** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 346 MARIA AVENUE.

**Sponsors:** Lantry

*No show - approve the assessment.*

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

- 14    **RLH TA 13-420**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 1165 MINNEHAHA AVENUE EAST.

**Sponsors:**        Lantry

*Delete the assessment because property owner paid the EC already.*

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

- 15    [RLH TA 13-423](#)    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310P, Assessment No. 138409 at 1697 ORANGE AVENUE EAST.

**Sponsors:**        Bostrom

*Delete the assessment; graffiti waiver on file.*

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

- 16    **RLH TA 13-429**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 1016 PACIFIC STREET.

**Sponsors:**        Lantry

*No show - approve the assessment.*

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

- 17    **RLH TA 13-425**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 1656-1658 SIXTH STREET EAST.

**Sponsors:**        Lantry

*No show - approve the assessment.*

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

- 18    **RLH TA 13-428**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 2386 TERRITORIAL ROAD.

**Sponsors:**        Stark

*No show - approve the assessment.*

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

- 19    **RLH TA 13-424**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 0 UNIVERSITY AVENUE WEST (PIN ID: 33-29-23-42-0009)

**Sponsors:**        Stark

*Delete the assessment; not sure who the dumpster belongs to.*

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



- 20 RLH TA 13-433** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311B, Assessment No. 138113 at 1428 WELLESLEY AVENUE.
- Sponsors:** Tolbert
- No show - approve the assessment.*
- Referred to the City Council due back on 8/21/2013**
- 21 RLH TA 13-421** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No.138307 at 773 WHITE BEAR AVENUE.
- Sponsors:** Lantry
- No show - approve the assessment.*
- Referred to the City Council due back on 8/21/2013**
- 22 RLH TA 13-438** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1309, Assessment No. 138210 at 1610 WHITE BEAR AVENUE NORTH.
- Sponsors:** Bostrom
- Approve the assessment. (Many addresses under one Parcel ID - Cert of O for 1610 White Bear Ave (MTS))*
- Main address Assessment Roll under 1600 White Bear Avenue.*
- RE: 1610 White Bear Ave (Regional Shopping Center-B-Commercial)*
- Bryan Larson, Madison Equities, Responsible Party, appeared.*
- Fire Inspector Leanna Shaff:*
- *Fire Certificate of Occupancy inspection*
  - *cost: \$720 + \$150 = \$870*
  - *date of Orders: 5-14-12; 6-20-12; 7-20-12; 10-2-12; 11-5-12; 11-28-12; 12-21-12; approved in Jan 2013*
  - *billing dates: 1-22-13 and 2-21-13*
  - *sent to: Mr. Larson, Madison Equities, 325 Cedar Suite 400, St. Paul*
- Mr. Larson:*
- *asked if that assessment was for 1610 or 1600*
  - *the bill he has is for 1600 and that is a vacant, non-occupied unit*
  - *he is making sure that this bill is not for a unit that's not in use*
  - *1610 is specifically a company called MTS*
  - *if the bill is for MTS, it should be paid but if the bill is for 1600 White Bear Ave, which is what shows up on his sheet, he believes that he should not have to pay it*
- Ms. Shaff:*
- *the assessment roll address is 1600; the Fire C of O says 1610 but it notes that in the name of the building, it's the 1610*
- Ms. Moermond:*
- *wants the pin number of 1610 (Ms. Paula Seeley: they all have the same pin number: 232922220049 - 8 properties)*

- tax assessments are processed by pin number rather than street address
- tax assessments go the parcel, not to the business anymore

Mr. Larson:

- that makes sense
- if that's the case, he has no argument

Ms. Moermond:

- will recommend approval of this assessment

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

**23 RLH TA 13-445**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 584 JESSAMINE AVENUE EAST.

**Sponsors:** Bostrom

Approve the assessment.

RE: 584 Jessamine Ave E (Two Family Dwelling)

Kao Xiong, (new name: Cal Sengkao Xiong) owner, appeared.

Ms. Moermond:

- Ramsey County Tax Records need to know about the name change

Inspector Paula Seeley:

- under 2 addresses: 1) 1108 Edgerton St or 2) 584 Jessamine Ave E (Mr. Xiong explained that it's a corner house with 2 units with different addresses); it listed as just 1108 Edgerton with Ramsey County Tax Records
- Excessive Consumption fee
- was a snow order issued 2-20-13; compliance date: 2-23-13
- re-check 2-26-13
- inspector sent another Summary Abatement letter 2-26-13; compliance date 2-28-13
- re-checked 2-28-13 - ice was still on the sidewalk on Jessamine side of the street
- photo; work order sent
- sent to Kao Xiong, 6470 51st St, Oakdale; Occupant
- no returned mail
- 3-4-13 - Parks went out - work had been done by owner, which generated the PAEC for a cost of \$120 + \$35 service charge = \$155

Mr. Xiong:

- he gets the letters 2 days after they are sent out which gives him a 12-hour window; he went out right after work but it was raining and snowing at the same time that day, so it froze over again (three times); he did it right away but the weather circumstances didn't allow it to remain free from ice

Ms. Moermond:

- it sounds like Mr. Xiong got an extension; original letter went out Feb 20 but the crew didn't show up until Mar 4
- she is not sympathetic because her sidewalk was clear; she got out there when it needed to be shoveled and salted/sanded and she did it; and she doesn't understand why the city has to send out a letter to tell the Appellant to take care of the sidewalk of a property he owns
- a neighbor who is trying to navigate the sidewalk has issues with it whether or not Mr. Xiong got a letter

- will recommend approval to this assessment

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

### Staff Reports

- 24 [RLH TA 13-408](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1309G, Assessment No. 138709 at 1738 UNIVERSITY AVENUE WEST. (To be amended July 10, 2013)

**Sponsors:** Stark

*Approve the assessment.*

*RE: 1738 University Ave W (duplex) and 1744 University Ave W (Single Family)*

*Inspector Paula Seeley:*

- she talked with Inspector Essling about it and read all of his notes
- has a Coolidge invoice saying that he was current during the month of Feb 2013
- Inspector Essling never received a call from the owner or anyone saying the service was current after sending Orders and issuing Work Orders on all the garbage, so he put out city containers
- this owner owns all 3 properties: 0 University Ave W, 1738 University Ave W and 1744 University Ave W; it was a mess
- Mr. Essling had towed several vehicles out of here and we are already deleting the assessment at 0 University Ave W
- the city did have a trash hauler out there for a while due to the fact that no one called Mr. Essling and told him that they had trash service

*Ms. Moermond:*

- eventually, there was a confirmation of trash service (statement from Royal Management)

*Ms. Seeley:*

- Mar 6, 2013: phone call from Frieda, Coolidge, stating they will be dropping containers this Sat; Emailed Parks and advised them to remove the city container

*Ms. Moermond:*

- when she looks at the Coolidge statement, it's not clear

*Ms. Seeley:*

- re: 1744 University Ave W (Single Family), Inspector Essling writes: Apr 3, 2013: phone call from neighbor, Al, stating he has set-up hauler with Coolidge for 1744 Univ; property owner does not speak English; called Coolidge and left message asking for verification; Coolidge verified service - not clear if service is in property owner's name
- maybe there's was service at one of these and not the other

*Ms. Moermond:*

- looking at the invoice, it's confusing; it would appear that he was billed Feb 1, 2013 and that bill was not paid
- he was then billed Mar 1, 2013 and that bill was not paid until Mar 19, 2013
- wondering if there was a cut-off of service in that particular time period
- he paid Jan 10, 2013 and then he didn't make another payment until Mar 19, 2013; a long time period without paying your bill

Ms. Seeley:

- and that's the same time period that Mr. Essling had the city container there
- will call Bobby Coolidge and find out what was going on in Feb and Mar 2013

Ms. Moermond:

- Ms. Seeley will let her know and copy Mai Vang on the Email
- Mr. Nadimi is asking for a layover
- is leaning towards approval but needs additional info from Coolidge
- tomorrow, she will ask the City Council to lay this over for 2 weeks

**Referred to the City Council due back on 7/10/2013 (To be laid over to July 24 City Council Public Hearing)**

25 [RLH TA 13-414](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1309G, Assessment No. 138709 at 1744 UNIVERSITY AVENUE WEST.  
(To be amended July 10, 2013)

**Sponsors:** Stark

Approve the assessment.

RE: 1744 University Ave W (Single Family) and 1738 University Ave W (duplex)

Inspector Paula Seeley:

- she talked with Inspector Essling about it and read all of his notes
- has a Coolidge invoice saying that he was current during the month of Feb 2013
- Inspector Essling never received a call from the owner or anyone saying the service was current after sending Orders and issuing Work Orders on all the garbage, so he put out city containers
- this owner owns all 3 properties: 0 University Ave W, 1738 University Ave W and 1744 University Ave W; it was a mess
- Mr. Essling had towed several vehicles out of here and we are already deleting the assessment at 0 University Ave W
- the city did have a trash hauler out there for a while due to the fact that no one called Mr. Essling and told him that they had trash service

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 - he was then billed Mar 1, 2013 and that bill was not paid until Mar 19, 2013  
 - wondering if there was a cut-off of service in that particular time period  
 - he paid Jan 10, 2013 and then he didn't make another payment until Mar 19, 2013; a long time period without paying your bill

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 - Mr. Nadimi is asking for a layover  
 - is leaning towards approval but needs additional info from Coolidge  
 - tomorrow, she will ask the City Council to lay this over for 2 weeks

**Referred to the City Council due back on 7/10/2013 (To be laid over to July 24 City Council Public Hearing)**

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

**Sponsors:**     Bostrom

*Forthcoming. See previous minutes.*

**Laid Over to the Legislative Hearings due back on 7/23/2013**

**Special Tax Assessment Rolls (CPH 8/21/13)**

- 27**     **RLH AR 13-67**     Ratifying Boarding and/or Securing services during April 2013. (File No. J1311B, Asmt No. 138113)

**Sponsors:**     Lantry

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

- 28**     **RLH AR 13-68**     Ratifying Graffiti Removal services during April 2 to May 13, 2013. (File No. J1310P, Asmt No. 138409)

**Sponsors:**     Lantry

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

- 29**     **RLH AR 13-69**     Ratifying Demolition services from April 2013. (File No. J1311C, Asmt No. 132012)

**Sponsors:**     Lantry

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

- 30**     **RLH AR 13-70**     Ratifying Demolition services from April 2013. (File No. J1312C, Asmt No. 132013)

**Sponsors:**     Lantry

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

- 31 **RLH AR 13-71** Ratifying Excessive Use of Inspection services billed February 14 to April 5, 2013. (File No. J1306E, Asmt No. 138307)

Sponsors: Lantry

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

## 11:00 a.m. Hearings

### Summary Abatement Orders

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

Sponsors: Brendmoen

*RE: 1087 Arundel St (Single Family);  
Fern M. Ewasiuk, owner, appeared.*

*RE: 1095 Arundel St (Single Family)  
Adelinne L. Taliaferro, owner, appeared.*

*Inspector Scott St. Martin:*

- 2 separate Orders; same issue
- original complaint came in the beginning of Jun, 2013
- inspector went out and talked with the complainant about the unimproved alley
- Public Works went out to check; they said that they do not take care of unimproved alleys; it's the homeowners' responsibility to clear and maintain the area
- homeowners indicated they would clear it out; the inspector closed the file
- the complainant called again so, the file was re-opened
- a Summary Abatement was sent to all the adjoining properties (6-7) to clean their portion of that unimproved alley
- one property has a fence which is erected down the middle of the unimproved alley (that property owner is not here today)
- clean up garbage, rubbish, discarded furniture/appliances, wood, vehicle parts, metal, recycle materials, household items, building materials, rubble, tires, brush, etc. from yard and from alley right-of-way
- aerial photo
- 3 extensions have been asked for and granted; this issue might take time
- some residents have wooden fences to mark the back of their property
- a lot of that stuff has been there for years; if the next step is taken, everyone would be responsible for their portion of the alley way (10 feet beyond their property line); if each owner did not clean it up, it's possible that the city would send out Work Orders; so far, most of the people that he's talked to aren't very happy about it but they also understand that they did inherit this issue; the city will do whatever it can to work with the property owners
- one of the neighbors, at least, is dumping back there

*Ms. Moermond:*

- the improved alley stops at 1084; unimproved alley from 1090 to \_\_\_\_\_

*Ms. Ewasiuk:*

- the resident with the fence in the middle of the unimproved alley said that she had permission to put it there
- has lived there for 28 years
- the alley has been like that as long as they have lived there
- the neighbor right behind her with the fence going to the middle of the alley, they think, is putting dog poop right behind her fence; also dog bones (she hasn't seen them doing it but it's there and they have 2 great big dogs); not sure of that address (1090 or 1084); (this wasn't clear; the first time she said it was the property behind her; the next time she said it was the property next door at 1083 Arundel)
- these neighbors never clean-up the poop in their yard; she thinks they just shovel it over into her yard; also don't mow their lawn until it gets really high

*Ms. Taliaferro:*

- her daughter said that someone had pushed an old mattress frame up against their fence and someone had also thrown fresh garbage out there
- she questions what happens after they have it all cleaned up?; will they be continually responsible for cleaning up other people's dumpings?
- most of what's dumped is not inside a bag

*Ms. Seeley:*

- the neighbors could petition for a vacation of that unimproved alley and then that half of the alley would be their portion and they could fence it off up to the center line of the alley; (Ms. Moermond: they could get the city to give up its rights to that alley space, which would allow the residents to move their fences into the middle of the alley, legally; it's called "vacating the alley" or "vacating the public right to that space" and giving it to the residents)

*Mr. St. Martin:*

- he spoke with Councilmember Brendmoen's Office and they are open to discuss that possibility
- typically, the dumping occurs at the entrance of the unimproved alley
- inspectors will talk to the neighbors about the dog feces dumping

*Ms. Moermond:*

- suggested that residents check the bags that are dumped to see if they can find evidence of who dumped it there

*Ms. Seeley:*

- a criminal citation could be tagged if there's evidence of who is doing the dumping
- as far as the feces is concerned, they can go talk to those homeowners
- the unimproved alley is 21 feet wide; a resident is responsible for 10 1/2 feet

*Ms. Ewasiuk:*

- she really doesn't know where her lot lines are; doesn't know where the markers are
- down from their lot, she sees peoples' garages on that space

*Ms. Moermond:*

- Public Works says they won't clean-up that space
- she will talk with PW and have them produce plat maps; they need to be attached to the application to vacate the alley (Al Czaia 6-6108)
- will lay this over for a couple weeks
- is push comes to shove, she may allow the abatement order to go through, have the city do the clean-up and then, handle the cost on the tax assessment side so that the residents would not be assessed because of the unclear property lines on this
- lay this over to Jul 23, 2013 Legislative Hearing

- needs Public Works to tell us exactly what the plat map says; and get a good idea about what PW calls an unimproved alley and how that fits in
- the area needs to be cleaned-up
- will also look into a neighborhood clean-up time
- suggests Ms. Ewasiuk buy a bag of lime to pour onto the poop
- let the neighbors know about the conversation today

**Laid Over to the Legislative Hearings due back on 7/23/2013**

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

**Sponsors:**             Brendmoen

*RE: 1095 Arundel St (Single Family)  
Adeline L. Taliaferro, owner, appeared.*

*RE: 1087 Arundel St (Single Family);  
Fern M. Ewasiuk, owner, appeared.*

*Inspector Scott St. Martin:*

- 2 separate Orders; same issue
- original complaint came in the beginning of Jun, 2013
- inspector went out and talked with the complainant about the unimproved alley
- Public Works went out to check; they said that they do not take care of unimproved alleys; it's the homeowners' responsibility to clear and maintain the area
- homeowners indicated they would clear it out; the inspector closed the file
- the complainant called again so, the file was re-opened
- a Summary Abatement was sent to all the adjoining properties (6-7) to clean their portion of that unimproved alley
- one property has a fence which is erected down the middle of the unimproved alley (that property owner is not here today)
- clean up garbage, rubbish, discarded furniture/appliances, wood, vehicle parts, metal, recycle materials, household items, building materials, rubble, tires, brush, etc. from yard and from alley right-of-way
- aerial photo
- 3 extensions have been asked for and granted; this issue might take time
- some residents have wooden fences to mark the back of their property
- a lot of that stuff has been there for years; if the next step is taken, everyone would be responsible for their portion of the alley way (10 feet beyond their property line); if each owner did not clean it up, it's possible that the city would send out Work Orders; so far, most of the people that he's talked to aren't very happy about it but they also understand that they did inherit this issue; the city will do whatever it can to work with the property owners
- one of the neighbors, at least, is dumping back there

*Ms. Moermond:*

- the improved alley stops at 1084; unimproved alley from 1090 to \_\_\_\_\_

*Ms. Ewasiuk:*

- the resident with the fence in the middle of the unimproved alley said that she had permission to put it there
- has lived there for 28 years
- the alley has been like that as long as they have lived there
- the neighbor right behind her with the fence going to the middle of the alley, they



*think, is putting dog poop right behind her fence; also dog bones (she hasn't seen them doing it but it's there and they have 2 great big dogs); not sure of that address (1090 or 1084); (this wasn't clear; the first time she said it was the property behind her; the next time she said it was the property next door at 1083 Arundel)*

- these neighbors never clean-up the poop in their yard; she thinks they just shovel it over into her yard; also don't mow their lawn until it gets really high

*Ms. Taliaferro:*

- her daughter said that someone had pushed an old mattress frame up against their fence and someone had also thrown fresh garbage out there
- she questions what happens after they have it all cleaned up?; will they be continually responsible for cleaning up other people's dumpings?
- most of what's dumped is not inside a bag

*Ms. Seeley:*

- the neighbors could petition for a vacation of that unimproved alley and then that half of the alley would be their portion and they could fence it off up to the center line of the alley; (Ms. Moermond: they could get the city to give up its rights to that alley space, which would allow the residents to move their fences into the middle of the alley, legally; it's called "vacating the alley" or "vacating the public right to that space" and giving it to the residents)

*Mr. St. Martin:*

- he spoke with Councilmember Brendmoen's Office and they are open to discuss that possibility
- typically, the dumping occurs at the entrance of the unimproved alley
- inspectors will talk to the neighbors about the dog feces dumping

*Ms. Moermond:*

- suggested that residents check the bags that are dumped to see if they can find evidence of who dumped it there

*Ms. Seeley:*

- a criminal citation could be tagged if there's evidence of who is doing the dumping
- as far as the feces is concerned, they can go talk to those homeowners
- the unimproved alley is 21 feet wide; a resident is responsible for 10 1/2 feet

*Ms. Ewasiuk:*

- she really doesn't know where her lot lines are; doesn't know where the markers are
- down from their lot, she sees peoples' garages on that space

*Ms. Moermond:*

- Public Works says they won't clean-up that space
- she will talk with PW and have them produce plat maps; they need to be attached to the application to vacate the alley (Al Gzaia 6-6108)
- will lay this over for a couple weeks
- is push comes to shove, she may allow the abatement order to go through, have the city do the clean-up and then, handle the cost on the tax assessment side so that the residents would not be assessed because of the unclear property lines on this
- lay this over to Jul 23, 2013 Legislative Hearing
- needs Public Works to tell us exactly what the plat map says; and get a good idea about what PW calls an unimproved alley and how that fits in
- the area needs to be cleaned-up
- will also look into a neighborhood clean-up time
- let the neighbors know about the conversation today

**Laid Over to the Legislative Hearings due back on 7/23/2013**

**Orders To Vacate, Condemnations and Revocations**

- 34 [RLH VO 13-33](#) Appeal of Kamran Mortezaee to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1221 PIERCE BUTLER ROUTE.

**Sponsors:** Stark

*To be laid over to August 6 LH and August 21 CC*

*RE: 1221 Pierce Butler Route (Residential Garage/Shed -C-Automotive)*

*Kamran F. Mortezaee, tax owner and responsible party, appeared, along with Attorney Dick Rehman*

*Ms. Moermond:*

- hazardous waster, generator license, water and toilet*
- City Council Public Hearing Jul 24, 2013*

*Fire Inspector A. J. Neis:*

- Revocation of Fire Certificate of Occupancy and Order to Vacate by Fire Inspector David Bergman*
- this is an auto repair garage*
- long standing issue at the property; it has not had an adequate bathroom for quite some time*
- he spoke with Inspector Bergman, who indicated that he was simply too rapped up looking at the other deficiencies over the years to not notice that there was no bathroom*
- commercial property with no bathroom, no sewer and no running water*
- an open permit was established Nov 2, 2012; owner wanted to wait until spring to build a bathroom in an existing repair garage (preliminary plan review); it was approved but the work has not commenced*
- Ramsey County Waste Generator License will be held up because of the bathroom issue (yearly renewal)*

*Mr. Rehman:*

- not disputing the city's position on this*
- he represents Mr. Mortezaee in a companion case, which impinges on this one*
- the city has been very patient throughout this ordeal - this goes back prior to 2007 at which time, his client entered into a Purchase Agreement with an individual to buy the property but the individual did not go through with the closing, so the property was never sold; the individual then created a quit claim deed and an assignment of a Contract for Deed (which didn't even exist) to his brother-in-law; then, the individual went bankrupt and the brother-in-law is suing for the land; along the way, Mr. Rehman made a motion to dismiss the lispendence which tied up the property so they could get the financing to get this done; that was dismissed and they re-filed the lispendence; finally, that was set up for trial so this can be done with; currently, this case is calendared before Judge Merrinan; on Jul 18, 2013, they have a pre-trial settlement conference with the Judge, which may be the end of it; if it's not settled on Jul 18, it's been blocked for trial on Sep 16, 2013 (runs from Sep 16 - Oct 4) for trial*
- they have contracts to install the bathroom but they can't finance a piece of property with a Notice of lispendence that's subject to litigation*
- Mr. Mortezaee is operating his business and he has a business license from Ramsey County to do that*
- sewer cost: \$10,800*
- water cost: \$10,800*

- bathroom cost: \$3,000 - \$4,000
- the lawsuit is about the title to the property
- without a Certificate of Occupancy, there is still no financing

*Ms. Moermond:*

- could there possibly be an agreement about splitting the cost of adding the bathroom, which would be sorted out after it is decided who gets the property

*Mr. Mortezaee:*

- this is his livelihood for him, his brother and 2 other guys
- this is an old property that never had water; they do have a Port-a-Potty
- his bank is willing to lend him \$50,000 but for the litigation
- they are asking for more time to get the lawsuit done
- the city has never had a problem with him or his business; he has been doing whatever Mr. Bergman has wanted him to do
- he had a body shop at 877 Westminster and had no problem with the city or fire inspector
- he was also on 365 Marshall St; then, to 877 Westminster
- his intention is to run a good business - do what is right, legally, but in this case, his hands are tied

*Ms. Moermond:*

- will lay this over to 11 am, Aug 6, 2013; there should be some conclusion by that time

**Referred to the City Council due back on 7/24/2013**

## 11:30 a.m. Hearings

- 35**     [RLH VO 13-35](#)     Appeal of Damon Haywood to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 163 ACKER STREET EAST.

**Sponsors:**     Brendmoen

*Grant the appeal on the condemnation and order to vacate on condition that Public Works do an emergency abatement relating to the sewer issue.*

*RE: 163 Acker St E (Single Family)*

*Damon Haywood, owner, and Barbara Daniels, appeared.*

*Inspector Paula Seeley:*

- big sewer problem
- Jul 3, 2-13 - got a call from Sean O'Keefe, Sewers, saying this sewer is spilling out into the street; they had to clean-up the area, vacate the street
- she went out there and Condemned the property, shut-off the water due to the break in the line
- this is a failed privately shared sewer line between 161 Acker St E (rental) and 163 Acker St E
- Steven Kraut is the responsible party for 161
- Laurie Lemke, Sewers, sent out a package regarding the Sewer Assessment Program, which Steve Kraut will be using within the next day or so; he is choosing a contractor to fix his portion
- yesterday, she received another complaint from Sean O'Keefe, who received another complaint from a neighbor (sewer is running down the street again); they went out there yesterday again to clean-up

- she sent a Summary Abatement Order Jul 5, 2013; compliance date of today, Jul 9, 2013
- in January 2013, when it was first noted that there was a problem, both parties were given a copy of all the contractors that they could call to fix this but neither party called a contractor to repair the problem
- read Email: Jan 31, 2013 - Barbara Daniels lives at this address where sewer pipe is connected to the manhole between this house and the house to the west, which is 161 Acker. 161 also has a sewer pipe connected to the manhole, then, one pipe out to the main from the manhole. Barbara had a pipe between the manhole and the city main cleaned-out (roots) today. Darin with McDonough got the blade stuck approximately 70 feet out, which would be at the main sewer; he tried to jet it loose and then the jet hose also got stuck. Sewer televised after lunch - only 9-inch main; Sewer televised the main to see if the blade was in the main; it was not; it was stuck in the private pipe.
- long story short - we still have sewer coming out of there
- they need to hire a contractor
- Sewers wants to do an immediate abatement and get a contractor out there today to get this taken care of because it's hazardous - a public nuisance

Ms. Daniels:

- the sewer backed-up in Jan, 2013 but this is not the first issue; it's been going on for about 8 years; and every 2 years, they have McDonough come out and clean the roots out to open up the sewer line
- she has been in contact with Laurie Lemke for the past couple of weeks
- they and the guy next door have talked about separating their sewer lines but they never have had a problem with anything in the street
- the neighbor across the street also gets back-up in his house (where the spill actually is; it's about 150 feet up and across the street from them); construction is being done on streets near them but not on their street and there are cracks all over the street where the sewer spew is coming from; she believes that the heavy equipment going up and down that street used in the street construction is causing the cracks and breakage of the street
- the back-up in their house comes to the top of the water line where it drains while the house next door at 161 has about 2 inches; if their water was running out and spewing, they wouldn't have a back-up; their water has remained backed-up into their houses - there has been no release, which tells her that these roots are clogging up their line and really has nothing to do with this crack across the street; there has been no investigation done, that she knows of, to find out where that crack is coming from; she doesn't know how they can put a Condemnation on their house without first exploring where the crack is coming from

Mr. Haywood:

- their contention is that the back loader cracked the main sewer line out in the street; he has photos - it has to be about 85 feet away from their house; big cracks; they never had this problem until the construction started; normally, they'd have McDonough come out and clean the line; all that heavy equipment cracked something out in the street but now, he's being penalized for this because he has a little plumbing problem; that's not his plumbing problem there out in the street; they need to explore what is leaking before they Condemn his house; his house is livable; they take very good care of their property
- their intention is to separate the 2 lines but now, this leak out in the street - that's because of this heavy equipment going back and forth; and he doesn't believe that's his line

Ms. Daniels:

- referred to the photos sent by Ms. Lemke - in order to get over to that crack where

*the leaking is at on the other side of the street, their pipe would have to run right through that main line and that's impossible*

*- they have a root problem, their back-up has remained and an auger is stuck in it (she has put in a complaint to the Better Business Bureau because McDonough refuses to get the auger out of there; there were supposed to come to a determination yesterday)*

*- their plumbing problem has never caused a problem in the street until the construction began (those cracks weren't there before the construction began); have photos*

*- he feels that an investigation needs to take place to determine who's responsible and if it's his responsibility, he has no problem taking care of it; and until then, he should not be put out of his house*

*Ms. Moermond:*

*- this is a chicken and an egg problem going here and we won't know whose responsibility it is until it gets opened up; it's an emergency situation, so, we don't have time to do a diagnosis*

*Ms. Daniels:*

*- the problem is Condemning our house when we don't know where the problem really is; more houses should have gotten stickers then because we don't know where it's at*

*Ms. Seeley:*

*- Laurie Lemke called her yesterday and said that Sewers needs to do emergency sewer contract work today because of the sewage backup again yesterday; there has been a designer out there, they've televised it and put a scope down there, Sean O'Keefe's an engineer - 3 different people are saying that this is 163 Acker's sewer line*

*- she suggests that they should get it done and if they need to file a claim later because it's the wrong decision, so be it*

*Ms. Daniels:*

*- they have not received any information and there has been any indication that anyone has put a scope into their pipe*

*- her 85-year old mother lives in this house; she is in hospice; there needs to be water in that house*

*- if it's a root problem, it's not there's*

*- we have not identified that the leak out in the street is coming from our property (Ms. Moermond: and, we're not going to today, in this setting; she does not have that ability; Public Works is making their best professional guess at this)*

*- when she saw the Notice on the house, she called someone at the city, who said that she would have someone get the water turned back on and she did (Ms. Seeley: Mr. Magner called the Water Dept to have it turned back on)*

*- noted that Laurie Lemke has been wonderfully helpful*

*Ms. Moermond:*

*- let's focus now on the Condemnation on the house - that's about exposure to sewer gases and the water needing to have been turned off*

*- we need to get an emergency crew out there to fix this; to keep the water running; and the money will sort itself out but let's keep this on task*

*- she does not want them to have to re-locate Ms. Daniels' mother*

*Ms. Seeley:*

*- as long as the water is still in the pipe - not on the floor, it's not so bad*

*- Inspector Scott St. Martin Condemned 161 Acker St E on Jul 3, 2013; Mr. Martin*

*talked with Inspector Leanna Shaff about it*

*Inspector Scott St. Martin:*

*- either way, the people here today have an issue with the sewer; there's an auger and something else stuck in there; either way, they will need to take of their sewer problem; when they get the sewer opened up, they will be able to assess and determine who is responsible*

*Mr. Haywood:*

*- they will move forward to take care of their problem swiftly because he does not want to move out of his house  
- Ms. Lemke had someone out there yesterday to assess the situation, an independent contractor; they will go with the Sewer Assessment Program*

*Ms. Moermond:*

*- is putting on "HOLD" anything to do with the Condemnation until Mon Jul 15 on the condition that the emergency crew get out there ASAP and she does not care whose responsibility it is right now; we'll sort that out later  
- the placard can be removed from the house  
- the city will not switch off the water  
- the Condemnation will be lifted  
- she will look at this again in a week to see where we're at; hopefully, we'll be done with it*

*Ms. Seeley:*

*- Ms. Lemke said that she is going to call 3 contractors  
- she will call Ms. Lemke right away and so will Ms. Daniels to get them out there ASAP; hopefully, they will be out there this afternoon*

**Referred to the City Council due back on 7/24/2013**

## **1:30 p.m. Hearings**

### **Correction Orders**

### **Fire Certificates of Occupancy (NONE)**

## **2:00 p.m. Hearing**

### **Orders To Vacate, Condemnations and Revocations**

- 37**     [RLH VO 13-36](#)     Appeal of Toianna Wika to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 1478 SHELDON STREET.

**Sponsors:**     Stark

*Grant until cob on Friday, July 12 for compliance or the property must be vacated.*

*RE: 1478 Sheldon St (Single Family)*

*Toianna Wika, tenant, appeared with her parents and Steven Appelget, attorney. Ms. Wika will be speaking on her parents' behalf.*

*Fire Inspector A. J. Neis:*

- *Unfit for human habitation Order to Vacate*
- *Jun 3, 2013 - anonymous complaint was received that the garage was falling apart and this was a chronically unkempt property*
- *Jun 4, 2013 - Inspector Lisa Martin went out to inspect and found violations; the garage needed repair; a vehicle with flat tires was referred to Code Enforcement; and she was going to schedule a Fire Certificate of Occupancy inspection*
- *Jun 6, 2013 - Orders were issued to repair the garage and paint it; obtain current license tabs for the vehicles; and a re-inspection would be made on Jul 8, 2013 at 10 am*
- *before the Jul 8, 2013 re-inspection, their office received several phone calls from the tenants*
- *Jun 26 - he received a call from an irate tenant, the daughter, who requested a different inspector and verbally abused him and made serious allegations against him although he had never even been to the property; he explained that they had several different inspectors in the past; they were upset that Ms. Martin had advised them to move a car while they were at a funeral out of town; based on the allegations and the instability of the tenants, he advised Inspector Martin not to go out to the property without police assistance*
- *per numerous phone calls from the tenants, they were requesting the inspection be cancelled because it was simply too hot in the property and they wanted additional time to make the repairs*
- *Jun 27 - tenants also called and said that the roof was leaking; there was mold, asbestos and many other issues; so, because there were all those issues, he advised the tenants Fire would do the inspection on Jul 8*
- *Jul 8 - he went to the property with Inspector Lisa Martin and the Police Dept to conduct the Fire C of O inspection; he noted numerous code violations and there were thousands and thousands of cockroaches, all over the place - floors, ceiling, etc. one of the worst, if not the worst infestations of cockroaches he has seen in all his years of inspections; and there was an extremely foul odor coming from the property (one of the police interns actually had to leave the property before being allowed to go back in because they weren't prepared to deal with the smell); code violations include: blocked windows; garbage all over the floors; bags of clothing; areas where they can't sleep because of the accumulation of stuff*
- *photos in the file*
- *complaint made in 2012: mold on porch, gutters not cleaned, refrigerator not working (tenants)*
- *complaint made Aug 3, 2012: old furniture next to trash bins*
- *complaint made Jun 3, 2013: tall grass and weeds, garage needs repair, paint*
- *complaints in 2009: lack of ground cover, car parked in driveway hasn't moved in many months, tall grass and weeds, using vise grips for the faucet, general disrepair throughout,*
- *Jul 8 inspection: roaches all over the garage, as well; concern for surrounding properties*
- *this building was last inspected by their office 2010 by Fire Inspector Carver Isabel and Inspector Urmann; received a Class C rating*
- *violations noted were similar to this year's; re-inspections done 10-5-10; 10-18-10; 10-27-10 and on 11-12-10, it was approved with deficiencies (a window that was no longer applicable)*
- *very serious concerns with this property: 1) the gross unsanitary conditions; 2) how that's adversely affecting the neighboring properties with the roach infestation; 3) four odors; and 4) excessive accumulation of materials*
- *across this alley from this place, unfortunately, this morning, we had a fire fatality; the housing situation was very similar to this - extreme excessive accumulation of materials*

Ms. Wika:

- they hired an inspector who came in Jul 1, 2013 from Private Eye Inspections (has copy)
- they have done more cleaning since Mr. Neis' inspection on Jul 8, 2013
- she admitted that they were clutterers and hoarders
- they had lived in Florida for 6 years in a huge 3 story house, which was very organized; they had just lost their house in the hurricanes and it was a very complicated mess; they had a storage unit but that got too expensive (\$270/month)
- she and her brother sleep in the living room in the summer for a variety of reasons (her bedroom in the attic and it is extremely hot up there without an air conditioner; her brother sleeps there because he has anxiety issues for personal reasons and likes to be close to family)
- she uses her attic bedroom, primarily, for storage and it looked horrible; she is willing to throw a lot of her accumulations away
- there are not thousands of cockroaches and they are not everywhere
- she did some research on German cockroaches and they come from plumbing problems, not just food; the cockroach problem started from 3 things: 1) the bathroom leakage; 2) the kitchen leakage; and 3) the removal of their refrigerator, which was also leaking, and therefore, flooded their kitchen; German cockroaches, which they have, are attracted to water
- she has seen only 2 or 3 cockroaches outside; they are not affecting the neighbors at all or they would have heard about it because they don't get along with their neighbors
- they have tightly packaged food on the table because they go to food banks; the roaches can't get into the food; there is not excessive food lying around; they keep their food pretty tight
- the roaches are in the bathroom, the kitchen and the porch
- once you have an infestation of cockroaches, it's nearly impossible to get rid of them on your own; they've tried; they have not talked about this with their landlords; they don't have a good relationship with their landlords
- they last thing they asked from their landlords was a railing for the house in Oct 2012 because her parents are both disabled; at first they said we didn't need one but her mom called them back with a lawsuit threat; her mom is basically blind and her dad doesn't have any hips; they were afraid of falling on the ice in the winter; so, they put a railing and raised the rent to \$1,400
- the inspector that she hired last week checked the electricity, the plumbing, the garage (the door is not on track)
- she admitted that she had been a bit hostile with Mr. Neis and she said she should not have been; but she was panicked and scared; however, it was inappropriate that, without any warning, he brought along 3 police persons to intimidate them; he also said there was no reason to have another inspector, so, she was expecting Ms. Martin; Inspector Neis did the full inspection and made judgmental comments during it saying, "There's food everywhere and you shouldn't be living like this," as did one of the cops; no one understands that when you have no air conditioning and the house gets up above 90 degrees with 70 percent humidity, it's impossible to keep the house completely clean
- they are trying to move because they don't get along with their landlords
- so, she is asking for more time
- she agrees with the Condemnation, not just because of the cockroaches; it's because of the plumbing concerns - there octopus heater, which is over 40 years old and at any moment could explode; the asbestos, which she didn't know was under their kitchen sink and in their basement (her mother has lung problems and that's not good for anyone); the black mold on their porch that they called about; the landlords painted over it; the leaking in the porch is being collected with a black trash bag (photo); the house roof is imploding
- Mr. Neis did not check the violations of the landlord; he checked their violations; and



she agrees that they have quite a bit  
- they are trying to move but her parents' health is poor and they can't possible get out by Fri  
- although, it my seem that they have a lot of trash, there are also a lot of valuables in there; they have lost a lot in the hurricanes (lost her brother's ashes; they have no resources, no family and no friends); and every time they have had people help them move, they've had things stolen  
- her plan is to move on their own; she will rent a U-haul; they need help with the heavy things  
- asking for an extension because she can't do it by Fri

Mr. Appelgett:

- we have a cruddy house owned by the McDonough Brothers; it's leaking water and it's a mess  
- his clients do not want to stay much longer in this house  
- unfortunately, getting out by Fri with 2 disabled people, with a relatively young child and with only Toni, here, basically being the only one who is able to do the work to get this done - it won't get done by Fri and they will be out on the street  
- he would like a schedule to get the work done and try to slow down the roaches  
- he asked for a month or two extension to get out of this place in an orderly way; he thinks that's the rational decision  
- then, the city can do whatever it wants with this horrible place  
- moving this family out on short notice isn't going to make the roaches away; they will still be there next week even if the Wikas are not

Ms. Moermond:

- thinks that the neighbors would not necessarily talk to the Appellants about the cockroaches  
- thinks that if the inspectors felt uncomfortable about going unescorted, it's likely that neighbors would be hesitant to engage the Appellants  
- the private inspector's report, dated Jul 2, 2013, looks similar to a TISH Report; she is not finding is useful to the items that were called out

Mr. Neis:

- inspectors take the best precautions they can to avoid getting issues like these into their own homes  
- he, himself conducted the inspection because Inspector Martin was unable to go more than 10 feet into the house without getting extremely nauseous due to the foul odors, which he could not identify (rancid, sweat, something rotting???)

Mr. Wika:

- there is a great smell of mold (Ms. Wika - mold, sweat, mildew, old house smell)  
- pointed out once again that his wife has a chronic lung disease; they have band-aided this place for the last 8 years, at least  
- they paid the rent straight up for the first 3 years; and yet anytime they have called about something, they have always yelled about the garage, which was in such shoddy condition because they broke a beam in there; they repaired the garage about a month ago and the car was moved; everything was taken out of the garage  
- they repaired the lawn; it was in terrible condition when they moved in; it was dead (deep ditch rural south)  
- the house smells like sweat, age, rancid but it also reeked horrible after all that asbestos started dripping down from the cheap faucet  
- the shoddy Chrysler heater from about the 1920s or 30s; there was a sock in there and a friend from the Eagan Fire Dept told him that it so dangerous that it could blow up  
- after the dryer broke, they said they didn't give a damn (hence, the clothes line);

numerous times, they've said, "This is our house; we do not give a damn about you." One landlord said, "You're a pain in my butt; you've been a pain in my butt for 10 years."

- there is no ventilation; when Carver Isabel came in to inspect, it was over 90 degrees and Mr. Wika could hardly breathe
- they came up from the hurricanes; had to throw everything away down there, furniture and everything; so, they didn't have furniture and it was not their intention to stay here for 8-9 years; unfortunately, his heart was already acting up and then ended up staying; this was not meant as a permanent residence

Mr. Appelgett:

- the one thing he wants to do is prevent these people from ending up on the street; that's his goal
- to get out in an orderly manner; they don't want to remain

Ms. Wika:

- they will be donating clothing, etc., but it takes time to sort through everything and without ventilation, it takes longer time
- she plans to get a dumpster; she can provide a receipt

Ms. Moermond:

- the City Council Public Hearing on this is Jul 24, 2013
- her recommendation will be to Order this building vacated by Fri, Jul 12, 2013 or come into compliance by that date
- tenants have the option of filing an Emergency Tenant Remedy Action, which could get you housing in the interim
- she thinks that the conditions in emergency are better than what they are here
- with the Condemnation, the landlord could very well, be liable for housing in the interim
- she advised that their possessions be fumigated because any landlord, who is aware of this situation at all, is not going to want those possessions in his property

Ms. Wika:

- she is not looking to rent any more; she is going buy a property

**Referred to the City Council due back on 7/24/2013**

## Other

**38**     [RLH OA 13-57](#)     Appeal of Bee Vang to a Code Compliance Inspection Report at 970 MARGARET STREET.

**Sponsors:**     Lantry

*Deny the appeal.*

*RE: 970 Margaret St (Single Family)*

*Bee Vang, owner, appeared.*

Ms. Moermond:

- Code Compliance Inspection: provide an exhaust system vented to the outside for the bathroom (mechanical permit needed) or provide a window in the bathroom with a glazing area of not less than 3 sq. ft. one half of which must be openable
- Appellant is asking for a very large variance
- Appellant purchased this as a Registered Vacant Building and he knew about the

*list of things that needed to be done*

*Mr. Vang:*

- *he doesn't want to put in the vent because it will be too expensive*
- *he doesn't want to install a larger window because it will be too expensive*
- *this is an old house; the window has been there for almost 100 years*
- *has already spent \$30,000 on fixing this house and he has run out of funds because he figured the rehab would cost him \$20,000 at the most*
- *he and his family are going to live in this house and will be able to do it in the future, maybe*
- *right now, they don't want to borrow any more money*

*Ms. Moermond:*

- *will not give Mr. Vang a variance on this*
- *the building can't be used until this is taken care of*
- *Mr. Vang won't get his Certificate of Code Compliance until this is done*
- *from the looks of it, this looks like an investment property and it was understood that this item come into compliance*
- *either install an exhaust fan or a larger window, as the window is 1/3 of what is should be and can't provide adequate ventilation*
- *this appeal is denied*

**Referred to the City Council due back on 7/24/2013**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 39     [RLH VBR 13-38](#)     Appeal of Greater Metropolitan Housing Corporation to a Vacant Building Registration Renewal Notice at 1151 EDMUND AVENUE.

**Sponsors:**     Stark

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 7/16/2013**

- 40     [RLH VBR 13-39](#)     Appeal of Michelle Do to a Vacant Building Registration Requirement at 1009 FARRINGTON STREET.

**Sponsors:**     Brendmoen

*Waive the Vacant Building fee for 4 months.*

*RE: 1009 Farrington St (Single Family)*

*Michelle Do, owner, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

- *Vacant Building Registration fee*
- *Jul 18, 2011 - Condemned by Fire Inspector Pat Fish*
- *Jul 20, 2011 - Inspector Mike Kalas opened a Category 2 VB file*
- *since then, 7 Word Orders issued for tall grass and weeds, snow removal, general debris strewn throughout yard*
- *recently, Sale Review completed and approved by Reid Soley on May 29, 2013*
- *new owner, Sam Dong*

- 2011-12 VB fees were assessed
- 2012-13 VB fees were paid by check
- today, we are appealing the 2013-14 VB fees

Ms. Do:

- her contractor is working on the house right now
- needs a little more time to do the rehab
- will recommend that DSI waive the VB fee for 4 months; if the rehab is done in 4 months, you won't have a VB fee; if it's not done, then, it will be billed for the full year

**Referred to the City Council due back on 7/24/2013**

- 41 [RLH VBR 13-37](#) Appeal of Loni LaBrocca to a Vacant Building Registration Notice and Summary Abatement Order at 715 LAFOND AVENUE.

**Sponsors:** Carter III

*Grant until September 1, 2013 for items to come into compliance with the May 15, 2013 Fire Inspection Correction Notice. Vacant Building file is closed.*

*RE: 715 Lafond Ave (Single Family)*

*Loni LaBrocca appeared.*

*Fire Inspector A. J. Neis:*

- Revocation of the Fire Certificate of Occupancy under Mr. Neis' direction Jun 10, 2013 for multiple code violations that have existed since Jan 2013; however, their inspector erred and did not send Notification of the Revocation to the owner and that it was referred to Vacant Buildings
- based on that circumstance, he has no problem withdrawing the Revocation of the Fire C of O and making this a Revoked Occupied Building will repairs to be made within 30 days

*Ms. LaBocca:*

- her tenants have been difficult and they filed an eviction against them in Mar 2013 and they are out
- they gave them a 60-day Notice to be out the end of Jun 2013
- their contractor was over there in May to make repairs and the tenants would not let them in
- the tenants were grossly mistreating the property and there was nothing they could do, repair wise, until they were out
- they have been out since Sat Jul 6, 2013 and the locks have been changed
- the contractor will go over there next week to begin repairs; the external had already been started
- she thinks that 30 days will do it

*Ms. Moermond:*

- will recommend granting an extension to Sep 1, 2013
- the VB fee is waived
- placards should be taken down
- if the building does not have a C of O by Sep 1, it should remain Revoked

**Referred to the City Council due back on 7/24/2013**

- 42 [RLH VBR 13-36](#) Appeal of Kerry and Kathleen Nilles to a Vacant Building Registration Requirement at 1004 THOMAS AVENUE.

**Sponsors:** Carter III

*Waive the Vacant Building fee until November 1, 2013 at which point owner needs to have the Fire Certificate of Occupancy reinstated.*

*RE: 1004 Thomas Ave (Duplex)*

*Kathleen M. and Kerry L. Nilles, owners, appeared.*

*Fire Inspector A. J. Neis:*

- Vacant Building Registration fee*
- Revocation of a Fire Certificate of Occupancy and Order to remain vacant issued by him*
- it's more of a technicality because these owners have already spent a lot of time and money to get this property properly renovated*
- have done many of the repairs themselves; actively pulling permits, as required*
- it has simply run past DSI's 90-day guideline*
- so, he advised the owners that he had to Revoke the C of O per policy; they could file an appeal*

*Mr. Nilles:*

- timeline for things that are cited on deficiency list: 2 separate furnaces (1 forced air; 1 hot water); he pulled the radiators so that he could sand all the floors; now, he just needs to hook them back up and get the furnaces tested - easily done soon; all smoke detectors are all interwired and there; the exterior of the house needs to be scraped and painted; they have 3 bids to get that done; the last item is the garage - will tear down the second stall and fix up the original garage; and they need to just finish the "re-do" of the kitchen and bathroom*
- need about 90-days for the exterior; and in 6 months, it would be totally ready to go*
- they have set aside \$30,000 to work with*

*Ms. Moermond:*

- 6 months will be just too long; typically, they don't go out too very long on the VB waiver*
- she will recommend that the deadline by Nov 1, 2013 - to have the C of O re-instated*
- if they don't have the C of O re-instated by Nov 1, they will be in the VB Program, with which there are fees associated*

*Mr. Dornfeld*

- the VB fee is \$1,440*
- he will put a HOLD on this VB fee tomorrow morning and change the building to a Cat 1, VB*
- by 8:00 a.m. tomorrow, the Appellants should be able to pull permits*

**Referred to the City Council due back on 7/24/2013**

## Staff Reports

**43**     [RLH OA 13-54](#)     Appeal of Gary and Lorraine Vietor to a Letter from Department of Parks and Recreation-Operations at 1566 MONTANA AVENUE EAST.

**Sponsors:** Bostrom

*Deny the appeal. The Legislative Hearing Officer concurs with the decision of the Forestry department to not have the tree on the boulevard removed because the tree is in good health and by City's policy if a tree on the public right of way is in good*

*health and condition, it shall not be removed.*

**Referred to the City Council due back on 7/24/2013**