



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, January 8, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments - Laid over/Rescheduled

- 1 [RLH TA 13-19](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No.138501 at 792 FULLER AVENUE. (To be laid over)

Sponsors: Carter III

To be laid over to LH on Jan 22, 2013 to watch video and CPH on Feb 6, 2013.

RE: 792 Fuller Ave (duplex)

Kasim A. Abdurrazzaq, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Orders Aug 1 with compliance date Aug 6, 2012*
- re-checked Aug 6*
- work done Aug 9, 2012 for a cost of \$443*
- no returned mail*
- no history*
- sent to Kasim Abdurrazzaq at this address; Clayton Morlok, Maplewood and Occupant*
- notes: including remove pile of yard waste in the yard; remove tall grass and weeds (Ex Con - marked done by owner)*
- don't have the VIDEO on this; have photo*

Mr. Abdurrazzaq:

- he didn't find out about this until he received a piece of mail about Right-a-Way tax; he went online and saw that there was another assessment on there; he made some phone calls to find out what the assessment was about; there was some confusion about that; he had moved into that property in March 2012; he purchased the property in Jan, 2012; the guy he talked to forwarded his call to someone else to give him the specific details about the assessment which talked about furniture, scrap metal, debris by the back garage; he told the guy it would be nearly physically impossible for him not to see that; he then referred Mr. Abdurrazzaq to this appeal process*
- in May, he received a letter referring to the tall grass and weeds with a week time frame; he got another letter and he went out to mow the lawn; he ended up having to pay a \$50 fee*
- in the phone call, the person said this wasn't about tall grass and weeds; it was*

about furniture, scrap metal and debris near back of his garage (he did not receive this Notice)

Ms. Moermond:

- provided Appellant with photo from Aug 6, 2012

Inspector Joel Essling:

- a complaint came in about mattresses in the alley in May; when inspector arrived at the scene, they were gone (Ms. Seeley: there was no Order ever saying that there was furniture, scrap metal, etc.)

Mr. Abdurrazzaq:

- there were 2 instances where people put mattresses in the alley near his garage and he had his trash service, Coolidge, remove them; he never received a phone call or anything about the mattresses; when he went to the back of his property, he noticed them; so, he talked with his neighbor who said he saw a truck come by and put down the mattresses; he talked to that guy ordering him not to come through the alley dumping stuff

Ms. Moermond:

- she would like to see the VIDEO before she makes a call on this one; Appellant also wants to see it

- will lay this over to 9 a.m. Tue Jan 22, 2013 LH to view the VIDEO

Mr. Essling:

- clarification: the Notice that Mr. Abdurrazzaq received which had been mailed Aug 1, 2012 referred to tall grass and weeds and also to the brush pile; he did cut the grass the and inspector noted that

Referred to the City Council due back on 1/16/2013

- 2 [RLH TA 13-12](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302C1, Assessment No. 132007 at 1901 MARYLAND AVENUE EAST. (Laid over from January 2, 2013)

Sponsors: Bostrom

1/8/13-Owner no show - approve the assessment. (left email for property owner)

Rescheduled per owner's request from January 2 CPH. No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 3 [RLH TA 13-17](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1303, Assessment No. 138202 at 1235 ALBEMARLE STREET.

Sponsors: Brendmoen

Reduce the assessment from \$278.00 to \$128.00.

Referred to the City Council due back on 2/6/2013

- 4 [RLH TA 13-18](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303B, Assessment No. 138102 at 2027 MARSHALL AVENUE/ 253 WILDER STREET NORTH.

Sponsors: Stark

1/9/13- It was noted that the liquor store owner did send a check for \$293.90 to Restoration Professionals. But Respo never cashed the check because they had already billed and been paid by the City. LHO recommends reducing the assessment from 448.90 to \$293.00. Because there had been a significant effort on the owner's part to pay the boarding bill right away, the administrative service charge should be deleted. (Call was made to owner's son).

Referred to the City Council due back on 2/6/2013

- 5 [RLH TA 13-16](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303B, Assessment No. 138102 at 899 JENKS AVE.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 2/6/2013

- 6 [RLH TA 13-14](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1302B, Assessment No. 138807 at 1161 NORTON STREET. (Laid over from January 2, 2013)

Sponsors: Brendmoen

PO showed up at Council on 1/2/13. Referred back to LH on 1/8/13. No show - approve the assessment.

Laid Over to the Legislative Hearings due back on 1/22/2013

Special Tax Assessments

- 7 [RLH TA 13-27](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303P, Assessment No.138402 at 1165 ARCADE STREET.

Sponsors: Bostrom

Dept recommended deleting assessment due to wrong address. LHO concurs with recommendation.

Referred to the City Council due back on 2/20/2013

- 8 [RLH TA 13-23](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 1369 BRADLEY STREET.

Sponsors: Brendmoen

Reduce the assessment from \$443.00 to \$100.00

RE: 1369 Bradley St (single family)

Breanna Jones appeared.

Inspector Paula Seeley:

- Summary Abatement issued Aug 31, 2012; compliance date Sep 6, 2012

- re-checked Sep 6, 2012

- work done Sep 6, 2012: Sofas in front yard for a cost of \$443

- sent to Breanna Jones, 1369 Bradley St and to Occupant
- no returned mail
- no history on the property

Ms. Jones:

- they went to get a rental vehicle on Sep 6, 2012 to take them away and the sofas were gone
- she entered the receipt for the vehicle
- she needed to wait to get paid so that she could get a rental vehicle

Ms. Moermond:

- the work was done by the city
- the sofas should have been removed before Sep 6, 2012
- Appellant did make a good faith effort
- will recommend decreasing the assessment to \$100

Referred to the City Council due back on 2/20/2013

- 9** [RLH TA 13-36](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No.138502 at 1555 and 1561 CHRISTIE PLACE.

Sponsors: Bostrom

Approve the assessment.

RE: 1555 and 1561 Christie Place (residential, vacant land)

Sam Posl, representing Bridgewater Bank, current owner, appeared.

Inspector Paula Seeley:

- these are vacant lots once owned by Promised Land of Minnesota for redevelopment
- Promised Land let the properties go
- been getting complaints on tall grass and weeds
- has photos of all the properties
- Orders sent for tall grass and weeds Aug 8, 2012; compliance date Sep 1, 2012
- re-checked Sep 5, 2012
- work done Sep 6, 2012 for a cost of \$235
- sent to Promised Land of Minnesota, Apple Valley MN
- no returned mail

Mr. Posl:

- Bridgewater Bank acquired properties Oct 12, 2012

Ms. Moermond:

- Orders sent to previous owner
- work was done by the city
- the assessment follows the property, not the owner
- will recommend approval of this assessment

Referred to the City Council due back on 2/20/2013

- 10** [RLH TA 13-35](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 1567 CHRISTIE PLACE.

Sponsors: Bostrom

Approve the assessment.

RE: 1567 Christie Place (residential, vacant land)

Sam Posl, representing Bridgewater Bank, current owner, appeared.

Inspector Paula Seeley:

- *these are vacant lots once owned by Promised Land of Minnesota for redevelopment*
- *Promised Land let the properties go*
- *been getting complaints on tall grass and weeds*
- *has photos of all the properties*
- *Orders sent for tall grass and weeds Aug 28, 2012; compliance date Sep 1, 2012*
- *re-checked Sep 5, 2012*
- *work done Sep 6, 2012 for a cost of \$235*
- *sent to Promised Land of Minnesota, Apple Valley MN*
- *no returned mail*

Mr. Posl:

- *Bridgewater Bank acquired properties Oct 12, 2012*

Ms. Moermond:

- *Orders sent to previous owner*
- *work was done by the city*
- *the assessment follows the property, not the owner*
- *will recommend approval of this assessment*

Referred to the City Council due back on 2/20/2013

- 11 RLH TA 13-37** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 1571 CHRISTIE PLACE.

Sponsors: Bostrom

Approve the assessment.

RE: 1571 Christie Place (residential, vacant land)

Sam Posl, representing Bridgewater Bank, current owner, appeared.

Inspector Paula Seeley:

- *these are vacant lots once owned by Promised Land of Minnesota for redevelopment*
- *Promised Land let the properties go*
- *been getting complaints on tall grass and weeds*
- *has photos of all the properties*
- *Orders sent for tall grass and weeds Aug 28, 2012; compliance date Sep 1, 2012*
- *re-checked Sep 5, 2012*
- *work done Sep 6, 2012 for a cost of \$235*
- *sent to Promised Land of Minnesota, Apple Valley MN*
- *no returned mail*

Mr. Posl:

- *Bridgewater Bank acquired properties Oct 12, 2012*

Ms. Moermond:

- *Orders sent to previous owner*
- *work was done by the city*

- the assessment follows the property, not the owner
- will recommend approval of this assessment

Referred to the City Council due back on 2/20/2013

- 12** [RLH TA 13-38](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 1575 CHRISTIE PLACE.

Sponsors: Bostrom

Approve the assessment.

RE: 1575 Christie Place (residential, vacant land)

Sam Posl, representing Bridgewater Bank, current owner, appeared.

Inspector Paula Seeley:

- these are vacant lots once owned by Promised Land of Minnesota for redevelopment
- Promised Land let the properties go
- been getting complaints on tall grass and weeds
- has photos of all the properties
- Orders sent for tall grass and weeds Aug 28, 2012; compliance date Sep 1, 2012
- re-checked Sep 5, 2012
- work done Sep 6, 2012 for a cost of \$235
- sent to Promised Land of Minnesota, Apple Valley MN
- no returned mail

Mr. Posl:

- Bridgewater Bank acquired properties Oct 12, 2012

Ms. Moermond:

- Orders sent to previous owner
- work was done by the city during the previous owner's ownership
- the assessment follows the property, not the owner
- will recommend approval of this assessment

Referred to the City Council due back on 2/20/2013

- 13** [RLH TA 13-39](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 1581 CHRISTIE PLACE.

Sponsors: Bostrom

Approve the assessment.

RE: 1581 Christie Place (residential, vacant land)

Sam Posl, representing Bridgewater Bank, current owner, appeared.

Inspector Paula Seeley:

- these are vacant lots once owned by Promised Land of Minnesota for redevelopment
- Promised Land let the properties go
- been getting complaints on tall grass and weeds
- has photos of all the properties
- Orders sent for tall grass and weeds Aug 28, 2012; compliance date Sep 1, 2012
- re-checked Sep 5, 2012

- work done Sep 6, 2012 for a cost of \$235
- sent to Promised Land of Minnesota, Apple Valley MN
- no returned mail

Mr. Posl:

- Bridgewater Bank acquired properties Oct 12, 2012

Ms. Moermond:

- Orders sent to previous owner
- work was done by the city during the previous owner's ownership
- the assessment follows the property, not the owner
- will recommend approval of this assessment

Referred to the City Council due back on 2/20/2013

- 14** [RLH TA 13-40](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 1585 CHRISTIE PLACE.

Sponsors: Bostrom

Approve the assessment.

Sam Posl, representing Bridgewater Bank, current owner, appeared.

Inspector Paula Seeley:

- these are vacant lots once owned by Promised Land of Minnesota for redevelopment
- Promised Land let the properties go
- been getting complaints on tall grass and weeds
- has photos of all the properties
- Orders sent for tall grass and weeds Aug 28, 2012; compliance date Sep 1, 2012
- re-checked Sep 5, 2012
- work done Sep 6, 2012 for a cost of \$235
- sent to Promised Land of Minnesota, Apple Valley MN
- no returned mail

Mr. Posl:

- Bridgewater Bank acquired properties Oct 12, 2012

Ms. Moermond:

- Orders sent to previous owner
- work was done by the city
- the assessment follows the property, not the owner
- will recommend approval of this assessment

Referred to the City Council due back on 2/20/2013

- 15** [RLH TA 13-24](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1304, Assessment No. 138803 at 383 CLINTON AVENUE.

Sponsors: Thune

Owner showed up at the end of the hearing. Rescheduled to Jan. 22, 2013

Laid Over to the Legislative Hearings due back on 1/22/2013

- 16** [RLH TA 13-20](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No.

VB1304, Assessment No.138803 at 970 EUCLID STREET.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 2/20/2013

- 17 [RLH TA 13-5](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 415 FINN STREET NORTH.

Sponsors: Stark

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 1/22/2013

- 18 [RLH TA 13-6](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303G, Assessment No. 138702 at 415 FINN STREET NORTH.

Sponsors: Stark

Rescheduled per owner's request.

Referred to the City Council due back on 1/22/2013

- 19 [RLH TA 13-41](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No.138502 at 863 FOURTH STREET EAST.

Sponsors: Lantry

Dept is recommending deleting the assessment because this was dumping in alley and/or from the property to the west. LHO concurs with the recommendation.

RE: 863 Fourth St E (single family)

Anthony Zerwas, Zerwas Investment LLC, owner, appeared.

Inspector Joe Yannarely:

- recommending deletion per Inspector Dave Nelmark's recommendation

Mr. Zerwas:

- the neighbor's property is in foreclosure and he kept dumping things in front of their garage; after 4 trips to the garbage place, he had enough; so, he called Mr. Nelmark because he is trying to renovate this property and has spent over \$60,000 already

- Mr. Nelmark ordered a Work Order saying, "Don't charge to this address but charge to 581 Mendota St" however, it was charged to him anyway

- he did not receive Notice, either

- he was selling the property and wanted to find out if there were any assessments because he had no Notices; he called Racquel, who told him that he should coming to this hearing

- Ms. Moermond:

- will recommend this assessment for \$543 be delete

Referred to the City Council due back on 2/20/2013

- 20** [RLH TA 13-28](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1302T, Assessment No. 139001 at 940 JORDAN AVENUE.
- Sponsors:** Bostrom
- No show; approve the assessment.*
- Referred to the City Council due back on 2/20/2013**
- 21** [RLH TA 13-8](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 101 MANITOBA AVENUE.
- Sponsors:** Brendmoen
- Approve the assessment.*
- RE: 101 Manitoba Ave (duplex)*
- Jeffery Erickson, owner, appeared.*
- Inspector Paula Seeley:*
- Summary Abatement Order sent Sep 17, 2012; compliance date Sep 25, 2012
 - re-checked Sep 26, 2012
 - work done Sep 26 for a cost of \$443
 - sent to Jeffrey and Latosia Erickson, Maplewood MN
 - history: Nov 27, 2011 - Orders on rubbish
 - photo taken Sep 26, 2012 (couches)
- Mr. Erickson:*
- he is just wondering what all was cleaned-up; they had a tenant vacate suddenly and for her to get her damage deposit, she put quite a few of her possessions in the back where the garage had been; she had it all stacked up but someone must have gone through it because it was all spread out; he and his daughter borrowed the neighbor's trailer and they took 2 loads to the dump
 - then, the tenant who was living in the lower unit moved upstairs and she put a couches in the back; he asked her to remove the couch; a week later, he asked her if she removed the couch and she said, "Yes"
 - so, he's wondering what was cleaned-up
- Ms. Moermond:*
- it looks like it was the couch
- Viewed VIDEO - couch and loveseat*
- Ms. Moermond:*
- will recommend approval of this assessment
- Referred to the City Council due back on 2/20/2013**
- 22** [RLH TA 13-30](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 346 MARIA AVENUE.
- Sponsors:** Lantry
- Approve the assessment and spread the payments over 2 years.*
- RE: 346 Maria Ave (duplex)*

Charles Drake, owner, appeared.

Inspector Paula Seeley:

- *Summary Abatement issued Sep 4, 2012; compliance date Sep 8, 2012*
- *re-checked Sep 12, 2012*
- *work done Sep 13, 2012 for a cost of \$313*
- *no returned mail*
- *still an open file on this property*
- *sent to Charles T. Drake, Stillwater*
- *has photos*

Viewed VIDEO

Mr. Drake:

- *the tenants are not taking care of business*
- *owned this property since 2005*
- *is here to explain and ask for possible leniency*
- *explanation: he rented to a woman in late 2011 and sometime in 2012, a boyfriend showed-up (bad news); he has been working with Officer Parsons, SPPD to remove these tenants since Jun or Jul 2012; he has been going over there on a regular basis (4-5 times a week) to clean-up the yard; each tenant accuses the other of making the mess; it's been an on-going nightmare; he has evicted them for lack of rent payment*
- *the tenants in the other unit were also evicted because of lack of rent payment*
- *currently, he has 2 new tenants*
- *he is getting SA on a regular basis as soon as something is amiss (couches that are left outside for a day; no grass; littering hay after he planted the grass); finally, someone stole his sod so, he hydro seeded it; it's just an on-going disaster*
- *his employees go over there 3-4 times a week to clean up the yard; it's insane*
- *he has another assessment for Excessive Consumption - \$150 multiple*

Ms. Seeley:

- *explained that there are 2 very active neighborhood watchers here*

Ms. Moermond:

- *asked Ms. Seeley to check the history on this property before this particular set of tenants lived here*

Ms. Seeley:

- *there's not a lot before Jul 2011; some exterior complaints on garbage in 2010*
- *a lot of them were done by owner*

Mr. Drake:

- *a lot of those Orders were because his garbage cans were on the blvd after garbage pick-up and not pulled back into the yard; after about the 4th one of those, he started going up and down his block and noted all the other garbage cans that had been sitting in the street for days*
- *he also noted a mattress in the street for a month 5 houses from him yet he was still getting Notices that his garbage can was on the blvd (not pulled back)*
- *seems as though someone was directing the inspector to his property because of these tenants, who continually wrote Orders*
- *he understands the city's need to do their job; he's just here to explain because there is no outlet for him to come back and say what happened*
- *if it's possibly, he'd like some leniency; after all , it cost him quite a bilt of money just to get rid of these people; cooperating with SPPD, etc.*

Ms. Moermond:

- she has to look at whether the situation existed or not? and Did the city do the clean-up work?
- asked that a Work Sheet be created for Excessive Consumption in 2 weeks; she will lay that over for 6 months and if there's no problems, she will recommend deletion of the Ex Con (Mr. Drake will not need to come to the LH in 2 weeks)
- will recommend approval of today's assessment spread over 2 years

Referred to the City Council due back on 2/20/2013

- 23** [RLH TA 13-94](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1302A, Assessment No. 138806 at 1160 MONTREAL AVENUE. (To be laid over to April 17, 2013)

Sponsors: Tolbert

Laid over for 90 days to get Code Compliance certificate. LHO will recommend reducing the assessment from \$1250 to \$350 and spread the payments over 2 years if condition is met.

RE: 1160 Montreal Ave (single family)

Luther Johnson, owner, appeared.

Inspector Joe Yannarely:

- Vacant Building registration
- Category 2 Vacant Building file opened Jun 5, 2012
- single family home on the same lot as a duplex (1848 7th St W)
- referred by the Certificate of Occupancy Program on May 31, 2012
- Inspector Jay Bohan went out at the request of the owner in Jul, 2012
- found 10 of 16 items listed on the C of O report still in noncompliance
- the duplex on this lot is occupied
- no code compliance inspection report

Mr. Johnson:

- is looking for some understanding of what's going on
- bought this property in 2005
- the bungalow was occupied by 2 brothers, who paid their rent; they didn't have trash outside
- he has had problems for years with them filling their house with garbage and not removing it
- in May 2011, they abandoned the place; they hadn't paid their rent for 6 months; they left a full -scale garbage house
- he lives in one unit of the duplex next door (part of the same property)
- Fire Inspector Gavin told him that there was so much garbage in the house, they couldn't even see the smoke detectors, etc; apparently, the brothers just lost control of their lives
- Inspector Gavin said he should make sure there was a shut-off valve on the stove and he would remove the other Orders because he was going to change jobs; Mr. Johnson got that completed, however, something happened and the other Orders remained
- last summer, Dennis Senty inspected but Mr. Johnson never received the new Work Order (he said that he'd mail it)
- in addition, he ran out of money; he had counted on the rent money to pay the mortgage; he had spent 1 1/2 years in the loan modification process and he thought he was going to lose the place
- currently, he has invested about \$10,000 in the bungalow (removal of materials,

fixing it up, painting, etc.); it's in pretty good shape - detail issues are left
 - in addition, in April 2011, his oldest son was diagnosed with a malignant brain tumor and he was his primary care giver of his son; his son has responded to treatment and in Sep, 2012, and he secured a loan modification with a fixed rate mortgage on the property with a principle reduction and low interest rate so that he can make payments
 - what remains is to satisfy the city
 - he felt that this fee was rather punitive
 - the utilities are being paid; taxes are being paid; there's no garbage any longer in the house
 - the house is about 90% done
 - he will be out of the country for 6 weeks, beginning this weekend; so, he'd like to know where he stands

Mr. Yannarely:

- this house was a gross unsanitary; so, it needs a code compliance report before it can get back into the C of O Program
 - Appellant should call Jim Seeger to schedule the code compliance inspection; call before 9 am
 - house could use a lock box

Ms. Moermond:

- would love for this property to be up and contributing to the neighborhood again in a good way
 - normally, you will need to have a code compliance certificate in order to be occupied (you haven't gone through that)
 - that inspector will cost about \$500; there is also an annual Vacant Building fee, which covers the cost of keeping it in the VB Program
 - she is concerned that it may be in bad shape
 - is glad that he has done a lot of work so far; inspection will go more easily
 - she will ask the City Council to lay this matter over
 - if he can get the code compliance certificate in 90 days, she will recommend that the City Council get him down to \$350 divided over 2 years

Referred to the City Council due back on 2/20/2013

- 24** [RLH TA 13-11](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303G, Assessment No. 138702 at 778 PASCAL STREET.

Sponsors: Stark

No show - approve the assessment.

Referred to the City Council due back on 2/20/2013

- 25** [RLH TA 13-22](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 702 PREBLE STREET.

Sponsors: Bostrom

Delete -per DSI staff report.

Referred to the City Council due back on 2/20/2013

- 26** [RLH TA 13-25](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 1663 RANDOLPH AVENUE.

Sponsors: Tolbert

No show - approve the assessment.

Referred to the City Council due back on 2/20/2013

- 27 [RLH TA 13-34](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303P , Assessment No 138402 at 603 SEVENTH STREET WEST.

Sponsors: Thune

Dept recommends deleting the assessment as a graffiti waiver is on file. LHO concurs with the recommendation.

Referred to the City Council due back on 2/20/2013

- 28 [RLH TA 13-33](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 708 SIMON AVENUE.

Sponsors: Brendmoen

Owner called after 1/8 hearing and left a message stating she missed the hearing due to illness. Rescheduled to 1/22/13.

Laid Over to the Legislative Hearings due back on 1/22/2013

- 29 [RLH TA 13-32](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1304, Assessment No. 138803 at 440 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

No show - approve the assessment.

Referred to the City Council due back on 2/20/2013

- 30 [RLH TA 13-26](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 751 VAN BUREN AVENUE.

Sponsors: Carter III

No show - approve the assessment.

Referred to the City Council due back on 2/20/2013

- 31 **RLH TA 13-96** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No.138502 at 594 YORK AVENUE.

Sponsors: Bostrom

Approve the assessment and spread the payments over 3 years.

RE: 594 York Ave (single family)

Gloria L. Telin, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Orders issued Sep 14, 2012; compliance date Sep 19, 2012

- re-checked Sep 19

- work done Sep 20, 2012 for a cost of \$465
- SA: appliance, yard waste, tires in yard
- no returned mail
- history: Apr 11, 2012 Orders on refuse and still open file on garage repairs
- sent to Gloria Telin , 594 York Ave

Ms. Telin:

- when she went to clean it up, it was already gone
- someone had crashed into her garage; she didn't have insurance on the garage; she hasn't heard about a deadline on the garage
- wants to have the garage torn down
- siding is being torn off and someone is also going inside the garage

VIDEO

Ms. Moermond:

- the city did the work
- the work needed to be done before Sep 19, 2012; the crew came out Sep 20, 2012
- the garage Orders are still open

Ms. Seeley:

- the garage is scheduled to be re-checked May 1, 2012 by Ms. Seeley
- someone is tearing off the siding on the garage
- the garage looks like it can be repaired at the corner; she wouldn't never tear it down for that little bit of damage; it's too good

Ms. Moermond:

- will recommend approval of the assessment for clean-up divided over 3 years

Referred to the City Council due back on 2/20/2013

32 [RLH TA 13-42](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 2254 WILLIAM TELL ROAD.

Sponsors: Lantry

Laid over to 1/22 to watch video.

RE: 2254 William Tell Road (single family)

Michelle Lalor, Sata Billing LLC, appeared.

Inspector Joel Yannarely:

- Category 2 Vacant Building
- Summary Abatement issued Aug 20, 2012 with compliance date Aug 27, 2012
- work done Sep 1, 2012
- Note: remove all debris in yard and driveway, including construction and demo material; garbage; rubbish; trash, and other sanitation issues for a cost of \$583
- no photos
- no VIDEO
- notes: on Aug 20, 2012: debris on ground near colorful dumpster; on Aug 27, 2012: all secure; yard OK; OK'd an extension on debris - partner to move Aug 28, 2012; on Aug 31, 2012: extension on debris removal; party stated was at Fair - partner to clean up Aug 28, 2012, which didn't happen (then, he sent the Work Order)

Ms. Lalor:

- we did not know what this was for

- we had a dumpster there because they are rehabbing the property
- we got a letter and we did clean it up
- purchased in Jul 2012
- the last Notice they got from the city was for lawn mowing and they had a lawn service during the time
- this is totally new and they don't know what it's for; they have had crews out there for the past several months
- they have had code compliance inspectors out there and they have paid for all the costs
- they are doing everything they can
- her boss has a booth at the state fair during that time period; he did get the Notice and he said to send the construction crew out there to clean it up

Ms. Moermond:

- sounds like there was a mess outside the dumpster; there's a possibility it was clean-up for the owner's folks
- she would like to see the VIDEO
- will lay this over for 2 weeks to Jan 22 at 9 am to look at the VIDEO

Laid Over to the Legislative Hearings due back on 1/22/2013

33 [RLH TA 13-43](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 1171 DAYTON AVENUE.

Sponsors: Carter III

Laid over to 1/22/13 to get records of all the assessments.

RE: 1171 Dayton Ave (duplex)

Ted Johnson, appeared. (His dad, Irvin, was the owner, who was tragically killed last year.)

Inspector Joe Yannarely:

- been in Vacant Building Program for a year as a Category 2
- this is a Summary Abatement Order issued by Inspector Dornfeld for a large pile of branches and tall grass and weeds on Sep 5, 2012; compliance date Sep 10, 2012 - found noncompliant
- Parks performed the grass abatement Sep 13, 2012
- Parks removed the pile of branches Sep 11, 2012
- total cost \$551
- Orders sent to Irvin Johnson, 110 1st Ave NE, Mpls (Ted's Mpls address)
- have VIDEOS for both
- 9 Work Orders during last year; last Work Order issued Dec 19, 2012; and an Excessive Consumption
- 3 mailings were returned; 2 in Jan and 1 in Feb, 2012

VIDEO 1 - Sep 13 - tall grass and weeds

VIDEO 2 - Sep 11 - removed brach pile

Mr. Johnson:

- history: the branch pile was obviously dumped in the alley there; everybody in the area knows that his dad was tragically killed in a fire last year at that property on Jan 4, 2012 while he was in New Zealand; after his dad was killed, the year was very difficult for him; he had to wait for fire investigators; he wasn't even allowed inside until the investigation was completed; the insurance company also played a role; he was going through a deep depression; nearly 30 1/2 weeks after the fact, the fire

investigators determined that his dad died from smoke inhalation; he was named personal representative for his father's estate; then, he changed his address so he could get his father's mail; it was a month before they could have a memorial service; a day after that, he had to go back home to New Zealand; then, he came back in Mar 2012; starting in late Aug 2012, he began to clean up - the property is immaculate now; he has taken prospective buyers through it; at least half of the mail regarding the property he never got; he had to file an extension with Nationwide Insurance; the neighbors were more than helpful in alerting him to possible intruders; he pays his next door neighbor to cut the grass; he shovels the snow himself

- at first when he changed his address, he filed at the downtown St. Paul PO but was supposed to file at the Concordia PO; so, the mail was delayed and he didn't get the previous Orders
- he was in New Zealand from Jan 30, 2012 - 2nd week of Mar 2012; and he's been back here ever since; at the house every other day
- the house will ultimately be sold

Ms. Moermond:

- a code compliance inspection was done
- there are a lot of assessments that were already processed and ratified; it's tricky
- she will take a look at what has gone on in 2012
- she will put something on the record Jan 22, 2013 LH at 9 am
- Layover to Jan 22, 2013 at 9 am

Laid Over to the Legislative Hearings due back on 1/22/2013

- 34** [RLH TA 13-44](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 948 BRADLEY STREET.

Sponsors: Brendmoen

Approve the assessment and spread the payments over 5 years.

RE: 948 Bradley St (single family)

Mee Vue Vang, owner, and a friend, who interpreted, appeared.

Inspector Joel Essling:

- regarding exterior sanitation
- Summary Abatement issued Aug 30, 2012; compliance date Sep 5, 2012
- re-checked Sep 5, 2012
- work done Sep 7, 2012 for a cost of \$555
- SA sent to Fai Yia Thao and Mee Vue Vang, 948 Bradley St
- no returned mail
- previous Orders: Aug 27, 2010; and Sep 7, 2010 for rubbish, trash in the yard; tall grass and weeds; garage; broken vehicle
- lots of photos

Ms. Vang:

- never got the SA Order; she didn't get any mail from the City of Saint Paul; she opens all the mail
- owned house since 1995

VIDEO - shows cutting ragweed and weeds in the yard

Inspector Paula Seeley:

- the SA talks about garbage
- crew wrote that tall grass and weeds was done by owner and there's no charge;

only charge is for yard clean-up

- Ms. Seeley called and told the crew that they didn't do the Work Order; so, maybe they went back out and did it

Ms. Moermond:

- looks like Parks processed the paper work in reverse (charging for what was done by the owner and not charging for cutting the tall grass and weeds done by the crew)
- wondering how the family manages all that overgrowth that looks out of control (there was also garden space that was under control)

Ms. Vang:

- when the city crew came out to do the grass, her son told them that he would do it himself

VIDEO - shows only the "before" clean-up, not the "after" clean-up

Inspector Essling:

- the crew came out and were going to do the Work Order but the son did the grass (no charge for cutting grass); but they did do the clean-up, although there's no VIDEO showing they did the clean-up

Ms. Seeley:

- believes the city did do the clean-up; they had to have done the clean-up because the day after when they were out there filming the VIDEO, all that stuff was gone

Ms. Moermond:

- the billing seems to be turned around but that shouldn't make a difference
- we have Ms. Vang's son mowing the lawn
- we don't have a VIDEO of the work having been done but she is confident that it was
- the clean-up seems to have been done by the city, although, there is no VIDEO of that

Ms. Vang:

- the city did clean-up the table, and some other material; her son did a little clean-up, too
- doesn't have the funds to pay \$555; receives SSI \$600 per month

Ms. Moermond:

- she wants to give credit for a good faith effort on the part of Ms. Vang's son cutting the grass and helping with clean-up
- also, balancing whether or not Notice was received, the son's work and not having VIDEO of city doing work
- will recommend approval, decreasing the assessment to \$300 divided over 5 years

Referred to the City Council due back on 2/20/2013

35

[RLH TA 13-45](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 1183 EDGERTON STREET.

Sponsors: Brendmoen

Laid over to see video.

RE: 1183 Edgerton St (single family)

Tammie Gibson, tenant, and Sue Baxter, director of a mental health organization that

provides home support to Tammie, appeared. (owner is Dennis Christ)

Inspector Joel Essling:

- tall grass and weeds letter mailed Aug 31, 2012; compliance date Sep 4, 2012*
- re-inspected Sep 5, 2012*
- work done Sep 6, 2012 for a cost of \$235*
- letter mailed to Dennis Christ, Scandia, MN*
- no returned mail*
- no VIDEO*
- photo taken Sep 5, 2012*

Ms. Baxter:

- Dennis and Kevin Christ are a father/son team; they own about 18 houses around the Twin Cities*
- all the mail goes to Dennis in regards to the City of Saint Paul; he mailed this to her last Saturday through Kevin*
- when Tammie moved in May 2010, she agreed to pay for lawn mowing with her monthly rent (she wasn't able to grab the file to prove that)*
- Ms. Baxter pays Ms. Gibson's bills on the first of the month when she gets paid so, she sees her invoices*
- Ms. Gibson and her family can't even use their back yard because there are many parking lot dividers in the back yard, which can't be moved physically; she has physically helped them pick up the trash in the back yard that the neighbors throw there and it's difficult but those weeds and lawn are not her responsibility; they are Kevin's*
- Kevin texted her last Fri and email the assessment on Sat (he wasn't sure what it was for)*
- he's not a slum landlord; he's a really good guy*
- she thinks that he has too many properties and has too much going on*

Ms. Gibson:

- the person who came out to cut the grass said that he couldn't cut it because of the tree branches and metal poles coming out of the ground; so, he cut it in a circle*
- the landlord know that she is unable to cut the grass and she has young kids; she won't allow them to cut the grass either; that's why they made an agreement: they would send someone out to cut the grass for \$10 every 2 weeks*
- normally, they don't use their back yard anyway*
- the reason that the mowing was half way done is because there are metal poles and stuff coming out of the ground*
- the back yard is unsafe*

Ms. Moermond:

- one photo shows the front yard, which looks very badly mowed; and the other photo shows the blvd area by the lamp post; it looks pretty scraggly but not particularly high*
- this is the responsibility of the landlord; a very lame attempt was made*
- she would like to talk to the landlord, in this case*
- the Order was legitimate*
- we don't have the VIDEO but she wants to see it*
- will lay this over for 2 weeks to look at VIDEO*

Laid Over to the Legislative Hearings due back on 1/22/2013

**36 RLH AR
13-16**

Ratifying Property Clean Up services during September 4 to October 1, 2012. (File No. J1303A, Asmt No. 138502)

Sponsors: Lantry

Referred to the City Council due back on 2/20/2013

- 37 [RLH AR 13-15](#) Ratifying Trash Hauling services during September 5 to September 26, 2012.
(File No. J1303G, Asmt No. 138702)

Sponsors: Lantry

Laid Over to the City Council due back on 2/20/2013

- 38 [RLH AR 13-14](#) Ratifying Collection of Vacant Building fees billed March 20 to August 7,
2012. (File No. VB1304, Asmt No. 138803)

Sponsors: Lantry

Referred to the City Council due back on 2/20/2013

- 39 [RLH AR 13-13](#) Ratifying Boarding and/or Securing services during September 2012. (File
No. J1304B, Asmt No. 138103)

Sponsors: Lantry

Referred to the City Council due back on 2/20/2013

- 40 [RLH AR 13-12](#) Ratifying Graffiti Removal services during July 31 to September 30, 2012.
(File No. J1303P, Asmt No. 138402)

Sponsors: Lantry

Referred to the City Council due back on 2/20/2013

- 41 **RLH AR 13-11** Ratifying Tree Removal services from September 2012. (File No. 1302T,
Asmt No. 139001)

Sponsors: Lantry

Referred to the City Council due back on 2/20/2013

11:00 a.m. Hearings

Correction Orders

- 42 [RLH CO 13-3](#) Appeal of Nelly Lai Chiu Chan to a Correction Notice at 18 BATES AVENUE.

Sponsors: Lantry

Forthcoming

RE: 18 Bates Ave (exempt vacant land) and 44 Bates Ave (single family)

*Nelly Lai Chiu Chan, owner (Successor Under Trust), appeared with Vanh Chan, her
niece (18 Bates Ave - exempt vacant land)*

Anna Leininger and Greg Kramer, owners, appeared (44 Bates Ave - single family)

Inspector Paula Seeley:

- Dec 18, 2012 - received report of overgrown brush and bramble on the blvd
- Inspector St. Martin sent Order to cut the growth down to a height of 36 inches (ordinance) and trim back all the bushes along the sidewalk
- same as Orders for 44 Bates Ave (single family)

Ms. Moermond:

- invited Appellants for 44 Bates Ave to join the discussion since they are appealing the same issue

Ms. Seeley:

- they received a complaint about both properties: overgrowth (over 36 inches) on the blvd
- received a letter (attached) from property owners of 44 Bates Ave saying the blvd was planted by the city with maintenance free wild native plants as promised by the city at the time of sidewalk construction. By definition, no maintenance is required as residents. We have concerns about safety and erosion due to the very steep slope. The taller plants are more desirable plants for erosion control and include attractive native plants, such as sumac. Since it is a wooded slope, the taller plants lend a more attractive visual field. Cutting trees is restricted in the river corridor. The taller plants add a measure of safety. Without the taller plants, there is nothing keeping people (including small children) from tumbling down a very steep slope into the street (please see photo).
- the ordinance says, no matter what it is, for sight view line purposes, plants can be no taller than 36 inches
- she is waiting for a call back from Public Works to see if there was ever such an agreement made
- this appears to be sumac, which is not a native plant

Ms. Leininger:

- they moved onto that block years ago
- when the street went in, approximately 1995, Mike (a neighbor in audience) and Greg met in the street with the city engineer; there was a lot of concern from all of the houses because this is a bluff, so, it meets the definition of the River Corridor and is protected. When they put in their sewer, they had to justify which trees would be removed and create a plan to replace them; so, we're not actually allowed to cut trees on our own property. When the street was put in, they put a sidewalk right along the bluff, which comes down, steeply; so, the sidewalk is boarded by this very steep bluff (photos shows the steepness); their concern for the city engineer was that they wouldn't be able to mow grass on a slope like that. The city engineer said that would not be a problem because they would put in a special block; we will seed it with maintenance free wild flowers and the sidewalk would also be maintenance free. The 3 issues they are running up against is: 1) there's not a way to safely or easily mow it or trim it (that's why the maintenance free idea was a great idea); 2) because of that block that's put it, it's hard to keep it attractive; so, if you cut everything down, you have this concrete spreading _____ and behind it, you have the woods; so, if you let it grow into more of more natural bluff face as it would have had, at least, there'd be some visual continuity; and 3) safety issues for children, especially. The only thing keeping a toddler and a bike from tumbling down are the larger trees/plants. Mike had the same complaint back in 2004; he wrote in and they said, "Oh! That's OK; it's just the sidewalk that needs to be clear; never mind the slope." This issue seems to keep coming up; she would like to clear it up and figure out a good solution
- they do want the block to be attractive but it doesn't look like cutting that down below 36 inches is the right way to do it, considering the setting

Ms. Chan:

- she agrees with what Ms. Leininger said
- they would have to cut down mature trees and that just doesn't make sense because the slope is very steep; they do trim the trees
- it's very challenging
- they will do whatever they need to do to be in compliance

Ms. Leininger:

- it doesn't seem like the optimal long-term solution to just chop down the growth; she doesn't think that was the intention to begin with
- what it is now seems better than chopping it down
- the natural growth is, at least, consistent with what's behind it
- the other big issue which is confusing --- the city talks about bluff protection, which describes this type of topography
- perhaps, it disturbs others who have a flat topography and must keep everything cut down
- the City of Saint Paul has a bluff protection plan all through the River Corridor that involves "not cutting down", not taking out natural plants, etc. because of erosion concerns
- another supporting neighbor was not able to be here today
- we're all interested in figuring out what will be acceptable for protecting the bluff; be safe; and something that's achievable
- she thought her sumac was gorgeous; it has beautiful color and it's much better than concrete; others may not think the same
- none of them have driveways; it's way too steep; they have a private easement behind the houses

Ms. Chan:

- it's beautiful in the summer and spring
- they do hire people to trim it when it looks overgrown
- they do not want to chop down 3 mature trees on their property
- showed Ms. Moermond photos on her iPhone

Ms. Moermond:

- asked for an aerial photo
- one of the reasons for height requirements for blvd plantings is to give sight lines for drivers - to see other vehicles coming from driveways, pedestrians coming and going from the sidewalk, etc. but here there's not even a clean way for people to come off the sidewalks (Ms. Leininger: you can't get off the sidewalks unless you want to mountain-climb, except at the ends of the blocks)
- would like to talk to the Ward 7 Office, who can contact Public Works
- would also like to talk with Kevin Nelson about it, too
- all enforcement is stayed during this LH process; we need time to sort this through
- will lay this over for 1 month
- Katie Burger will come to meet you and Ms. Moermond will explain the situation to her; she can get your contact information

Laid Over to the Legislative Hearings due back on 2/5/2013

43

[RLH CO 13-1](#)

Appeal of Anna Leininger and Greg Kramer to a Correction Order at 44 BATES AVENUE.

Sponsors: Lantry

Forthcoming

RE: 44 Bates Ave (single family) and 18 Bates Ave (exempt vacant land)

*Anna Leininger and Greg Kramer, owners, appeared (44 Bates Ave - single family)
Nelly Lai Chiu Chan, owner (Successor Under Trust), appeared with Vanh Chan, her niece (18 Bates Ave - exempt vacant land)*

Inspector Paula Seeley:

- Dec 18, 2012 - received report of overgrown brush and bramble on the blvd*
- Inspector St. Martin sent Order to cut the growth down to a height of 36 inches (ordinance) and trim back all the bushes along the sidewalk*
- same as Orders for 44 Bates Ave (single family)*

Ms. Moermond:

- invited Appellants for 44 Bates Ave to join the discussion since they are appealing the same issue*

Ms. Seeley:

- they received a complaint about both properties: overgrowth (over 36 inches) on the blvd*
- received a letter (attached) from property owners of 44 Bates Ave saying the blvd was planted by the city with maintenance free wild native plants as promised by the city at the time of sidewalk construction. By definition, no maintenance is required as residents. We have concerns about safety and erosion due to the very steep slope. The taller plants are more desirable plants for erosion control and include attractive native plants, such as sumac. Since it is a wooded slope, the taller plants lend a more attractive visual field. Cutting trees is restricted in the river corridor. The taller plants add a measure of safety. Without the taller plants, there is nothing keeping people (including small children) from tumbling down a very steep slope into the street (please see photo).*
- the ordinance says, no matter what it is, for sight view line purposes, plants can be no taller than 36 inches*
- she is waiting for a call back from Public Works to see if there was ever such an agreement made*
- this appears to be sumac, which is not a native plant*

Ms. Leininger:

- they moved onto that block years ago*
- when the street went in, approximately 1995, Mike (a neighbor in audience) and Greg met in the street with the city engineer; there was a lot of concern from all of the houses because this is a bluff, so, it meets the definition of the River Corridor and is protected. When they put in their sewer, they had to justify which trees would be removed and create a plan to replace them; so, we're not actually allowed to cut trees on our own property. When the street was put in, they put a sidewalk right along the bluff, which comes down, steeply; so, the sidewalk is boarded by this very steep bluff (photos shows the steepness); their concern for the city engineer was that they wouldn't be able to mow grass on a slope like that. The city engineer said that would not be a problem because they would put in a special block; we will seed it with maintenance free wild flowers and the sidewalk would also be maintenance free. The 3 issues they are running up against is: 1) there's not a way to safely or easily mow it or trim it (that's why the maintenance free idea was a great idea); 2) because of that block that's put it, it's hard to keep it attractive; so, if you cut everything down, you have this concrete spreading _____ and behind it, you have the woods; so, if you let it grow into more of more natural bluff face as it would have had, at least, there'd be some visual continuity; and 3) safety issues for children, especially. The only thing keeping a toddler and a bike from tumbling down are the larger trees/plants. Mike had the same complaint back in 2004; he wrote in and they said, "Oh! That's OK; it's just the sidewalk that needs to be clear; never mind the slope." This issue seems to keep coming up; she would like to clear it up and figure out a*

good solution

- they do want the block to be attractive but it doesn't look like cutting that down below 36 inches is the right way to do it, considering the setting

Ms. Chan:

- she agrees with what Ms. Leininger said
- they would have to cut down mature trees and that just doesn't make sense because the slope is very steep; they do trim the trees
- it's very challenging
- they will do whatever they need to do to be in compliance

Ms. Leininger:

- it doesn't seem like the optimal long-term solution to just chop down the growth; she doesn't think that was the intention to begin with
- what it is now seems better than chopping it down
- the natural growth is, at least, consistent with what's behind it
- the other big issue which is confusing --- the city talks about bluff protection, which describes this type of topography
- perhaps, it disturbs others who have a flat topography and must keep everything cut down
- the City of Saint Paul has a bluff protection plan all through the River Corridor that involves "not cutting down", not taking out natural plants, etc. because of erosion concerns
- another supporting neighbor was not able to be here today
- we're all interested in figuring out what will be acceptable for protecting the bluff; be safe; and something that's achievable
- she thought her sumac was gorgeous; it has beautiful color and it's much better than concrete; others may not think the same
- none of them have driveways; it's way too steep; they have a private easement behind the houses

Ms. Chan:

- it's beautiful in the summer and spring
- they do hire people to trim it when it looks overgrown
- they do not want to chop down 3 mature trees on their property
- showed Ms. Moermond photos on her iPhone

Ms. Moermond:

- asked for an aerial photo
- one of the reasons for height requirements for blvd plantings is to give sight lines for drivers - to see other vehicles coming from driveways, pedestrians coming and going from the sidewalk, etc. but here there's not even a clean way for people to come off the sidewalks (Ms. Leininger: you can't get off the sidewalks unless you want to mountain-climb, except at the ends of the blocks)
- would like to talk to the Ward 7 Office, who can contact Public Works
- would also like to talk with Kevin Nelson about it, too
- all enforcement is stayed during this LH process; we need time to sort this through
- will lay this over for 1 month
- Katie Burger will come to meet you and Ms. Moermond will explain the situation to her; she can get your contact information

Laid Over to the Legislative Hearings due back on 2/5/2013

Summary Abatement Orders

- 44 [RLH SAO 12-38](#) Appeal of John Traxler, President/CEO of Captain Ken's Foods, to a Summary Abatement Order at 344 ROBERT STREET SOUTH.
- Sponsors:** Thune
- Withdrawn by DSI; the dumping is not associated with Captain Ken's, 344 South Robert St.*
- Withdrawn**

Orders To Vacate, Condemnations and Revocations

- 45 [RLH VO 13-1](#) Appeal of Zachary D. Schack to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1101 SIXTH STREET EAST.
- Sponsors:** Lantry
- Deny appeal and grant an extension to Feb 1, 2013 to vacate. This grant of time is contingent upon tenant allowing access to the interior of the property in order that the inspector can confirm the gross unsanitary conditions have been addressed and the smoke detectors are working properly. This visit needs to occur by the close of business on January 15, 2013. If the visit has not occurred, the property will need to be vacated by the beginning of business on January 22, 2013.*
- RE: 1101 Sixth St E (single family)*
- Zachery D. Schack, tenant, appeared; (Judy and Duane Callahan, owners)*
- Fire Inspector Leanna Shaaf:*
- Revocation of Fire Certificate of Occupancy and Order to Vacate, dated Dec 7, 2012 by Inspector Bill Beumer; property owners were on site with Occupants (Revoked for long-term noncompliance)
 - photos in Amanda
 - 42 violations; strong smell of cat feces and urine
 - started Oct 25, 2011 - Inspector Pat Fish closed this file as an owner-occupied property
 - Sep 7, 2012 - Inspector Beumer responded to a complaint of cabinet, trash bags, fans, AC unit, household items, carpeting, TV set in back yard, rear deck and alley way
 - Jul 24, 2012 - Inspector Beumer responded to a complaint of garbage sitting in the yard, blvd; possibly no trash service
 - Sep 7, 2012 Inspector Beumer said the Occupant allowed him access; he found no working smoke detectors in the house - need them ASAP
 - inspector called property owner, who called back and left a voice mail stating they are letting this property go back to the bank; they would install new batteries in the smoke detectors immediately; Oct 31, 2012 - owner said property was in foreclosure; there is no lease on the property; they had given Mr. Schack verbal permission to occupy the house until it went to the bank
 - re-check - first floor has working smoke detectors
 - there is poor sanitation but no immediate life-safety issues
 - inspector notes: property is not owner-occupied
 - sheriff's sale was scheduled for Jan 4, 2013
 - he opened a Fire C of O file
 - had 4 inspections - still open
 - the owner is not planning to do anything about the violations and there is no one responsible at this point
 - the owner has 6 months to redeem himself

- original full inspection took place Oct 8, 2012 (Dec 7, 2012 was the 3rd inspection)

Mr. Schack

- has lived there for 3 1/2 years (coming and going)
- living with his girlfriend at the time; the state put an Order of Protection against her; he left; she is currently incarcerated and will be getting out in early Feb 2013 and live with her dad; he came back there to try to help take care of her dad and the house - there was quite a bit of trash, dogs and cats; it was filthy; the owner had told him the house was in foreclosure; they hadn't been paying the mortgage; after his girlfriend's dad moved out of the house, Ms. Callahan said she didn't mind him staying there until the bank took over
- he has been fixing some of the items on the list of 42; some things he hasn't attempted to do because they cost money
- he has cleaned it up quite a bit
- the basement is full of clothes, mold and mildew; he has been working on that, too
- girlfriend's dad lives in an apartment complex in Battle Creek; he still stops by to see how things are going
- the animals are gone except for 2 cats that are his
- he is asking for an extension of time - trying to stay in the house until the bank takes over because with no income, it's rough; he was getting temporary disability because he broke his hand but he wasn't able to keep up with the paperwork because he hasn't had a stable mailing address - bouncing around from place to place
- doesn't know who got the house at the sheriff's sale
- in his position, it's difficult to find a place to live right now; he wants to hold on to where he's at and where his mail is coming to

Ms. Moermond:

- there's no end game on when these things are going to be resolved
- if she were in Mr. Schack's shoes, she would be really hesitant to spend the money to do the fixes that are required
- the city is Revoking the C of O because there has been no progress in addressing those issues
- it looks like a boarder line Condemnation case (Mr. Schack: if you were to see the house now, there is a major difference)
- she needs to get Mr. Schack out of this house; she trusts that he has taken care of a lot of the sanitation issues, in particular but she can't let this go on indefinitely

Mr. Shack:

- the outlets are all covered
- the vent issue is taken care of
- the dryer doesn't work; it's been unplugged; he working to seal it up properly
- he is still working on the ceiling
- smoke detectors are working
- he can straighten out the heaters the best he can

Ms. Moermond:

- still thinks there's some significant issues
- there is no landlord - property owner stepping up to take care of these issues; the Callahans are walking away
- would like to let him continue to stay there through Feb 1, 2013
- asked Ms. Shaff to look at the list and tell her what she thought would need to happen to allow occupancy through Feb 1, 2013

Ms. Shaff:

- mostly, the sanitation; smoke detectors
- questions how long the utilities will remain on since the Appellant is not employed

(Mr. Shack: they are being paid for)

Ms. Moermond:

- let's do a walk-thru to make sure that the gross unsanitary conditions have been addressed and the smoke detectors are working, dependent upon utilities still being available

- will allow Mr. Shack to stay there until Feb 1, 2013 to give him a chance to get a new place; or connect with Southern Minnesota Regional Legal Services, 222-5863, Project Hope and explain the situation; she can call ahead of time to talk to them about his situation

Referred to the City Council due back on 2/6/2013

1:30 p.m. Hearings

Correction Orders

46

[RLH FCO
13-5](#)

Appeal of Allan K. Petersen, AKP Investments, LLC, to a Fire Inspection Correction Notice at 456 CHARLES AVENUE.

Sponsors: Carter III

Deny appeal and grant extension to Jun 1, 2013 to come into compliance with exterior work.

RE: 456 Charles Ave (duplex)

Allan K. Petersen, AKP Investments LLC, owner, appeared.

Mr. Petersen:

- is looking for an extension to warmer weather

Fire Inspector A. J. Neis:

- appeal of a Fire Certificate of Occupancy

- exterior issues are being appealed, particularly #14-#18 on the Orders

- before the hearing, Mr. Petersen indicated that #14, #16, #17 and #18 are already done

- the biggest issue is the garage and parking spaces; he has an approved garage already for the tenants to park - they have just chosen to park in the yard; Mr. Petersen will open up the garage so they can park there, instead

Mr. Petersen:

- window screens have been taken care of

- what's left is the siding, soffit, fascia on the garage

- the maintenance person just wants warmer weather to do that work

Ms. Moermond:

- will recommend granting an extension through Jun 1, 2013

Referred to the City Council due back on 2/6/2013

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[RLH FCO
13-4](#)

Appeal of Leonard Russo, on behalf of Heartland Food Holdings, LLC, to a Fire Correction Order at 289 FIFTH STREET EAST.

Sponsors: Thune

Forthcoming. (Inspector is to measure the doors and the layout of the area).

RE: 289 5th St E (Mixed Use: Market House Comm C)

Leonard Russo, on behalf of Heartland Food Holdings LLC, appeared.

Fire Inspector A. J. Neis:

- Correction Notice on a re-inspection on a complaint dated Dec 21, 2012 by Fire Inspector Chris Skow-Fiske*
- re-inspection date Jan 22, 2013*
- this is a final notice to comply with Orders*
- has been an on-going issue - restaurant exiting system; dates back to summer*
- the very large door has slide bolt locks on the main exit doors for the restaurant for anyone who is ADA*
- it does have the required panic hardware; however, they've put in a couple of surface bolt-locks, which are prohibited for any exit doors used for escape*
- option to alleviate security concerns given to Appellant: a panic bar with a 3-point bolt system so, when they hit the bar, it actually opens; this has not yet been installed by the Appellant*
- photos in system*

Mr. Russo:

- has been helping Chris navigate this property*
- the Market House is the first mixed-use commercial residential property in the Twin Cities, so sometimes when Ms. Skow-Fiske comes through and does an inspection, she's not sure to whom she should give the Correction Notice and sometimes, they go to the wrong place*
- residents are upstairs; commercial space is downstairs and upstairs*
- the property was distressed when they took over so, they had to replace a lot of exit signs and emergency lighting*
- the floor bolts are there because they had a break-in and their safe was stolen; the floor locks were installed about 1 year ago;*
- that particular door is only locked after everyone leaves; at that time, they just broke the fastener at the top*
- the solution for them, not knowing it was against code, was to put in floor bolts*
- Ms. Skow-Fiske explained the 3-point panic bar; it just took quite a while to get a bid back and it will cost \$2,700 to replace the hardware on that door*
- these 2 very large doors need to be propped open all day long while people are in the building because it's handicapped accessible; a wheel chair needs to get through and all his deliveries come through there (common area); there's also a sign: "These doors must remain open during business hours"*
- the floor bolts are used only after the last person leaves at night*
- the opening of the doors is approximately 12 feet wide*
- they've been in business there about 2 1/2 years*
- he has had all the doors repaired and has used multiple companies; the person, Dave, has done the best job and that's where he got the bid from*

Ms. Moermond:

- does not have an answer at this time*
- will lay this over to the Jan 29, 2013 LH*
- she wants to read the code and needs time to think about it*
- in the next couple of days, would like Inspector Skow-Fiske to provide a photo with a tape measure laid out*
- she may end up granting a long time to get the job done*

Laid Over to the Legislative Hearings due back on 1/29/2013

- 48 [RLH CO 13-5](#) Appeal of Soledad Flores/Fernando Santana to a Correction Order at 501 SIDNEY STREET EAST.

Sponsors: Thune

Withdrawn by DSI. Property is in compliance and file is closed.

Withdrawn

Fire Certificates of Occupancy

- 49 [RLH FCO 13-1](#) Appeal of Gale Rosenow, on behalf of George Rosenow, to an Invoice for Provisional Fire Certificate of Occupancy and to be out of the Fire Certificate of Occupancy Program at 1218 DALE STREET NORTH.

Sponsors: Brendmoen

Grant appeal to be out of the Fire Certificate of Occupancy Program.

RE: 1218 Dale St N (single family)

Gale Rosenow, appeared on behalf of her father, George Rosenow.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy*
- *Mr. George Rosenow was sent the provisional invoice for a Fire C of O; it was acknowledged that the owner of record no longer matched the address on the home, which means that the home is no longer owner-occupied*
- *he has spoken with the Appellant on the phone; she indicated that owner, George Rosenow, is now in a nursing home; he intends returning to the home*
- *they are not landlords and don't think they should be in the C of O Program*
- *however, back a couple of years ago, they had briefly rented out the home; it was an awful experience and they don't intend to ever to it again*

Ms. Rosenow:

- *currently, no one lives there*
- *they had someone live there for 10 months -- they did it as a favor for one of her co-workers; they will never do it again-they paid for one utility but not the other*
- *now, they are doing some cosmetic fixing*
- *she hates to sell it in case her dad wants to go back to see it one more time*
- *her dad talks about going home but he has fallen and broken his hip a couple of times*
- *she works in the community so, she stops and checks on it frequently*
- *someday, they will liquidate the house*
- *her dad is 96 years old*

Ms. Moermond:

- *will recommend 1218 Dale St N be out of the C of O Program*

Referred to the City Council due back on 2/6/2013

2:30 p.m. Hearings

Vacant Building Registrations

50 [RLH VBR](#)
 [13-3](#) Appeal of Christina Capecchi to a Vacant Building Registration Renewal
 Notice at 408 LAFOND AVENUE.

Sponsors: Carter III

Withdrawn by DSI. VB fee extension for 60 days as a CCI sign-off is very close.

Withdrawn

Staff Reports