



# 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*

---

Tuesday, February 17, 2015

9:00 AM

Room 330 City Hall & Court House

---

### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1 [RLH TA 15-117](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 810 BUFFALO STREET. (To be referred back to Legislative Hearing on August 18, 2015; Council Public Hearing to be continued to September 2, 2015)

**Sponsors:** Brendmoen

*David Barlage, owner, appeared.*

*Inspector Joe Yannarely:*

- Category 2 duplex entered VB Program Nov 20, 2006
- last code compliance inspection report is dated May 6, 2010
- Vacant Building annual fee due
- fair number of Work Orders from 2006 - 2013; no Work Orders in 2014; last one was an Excessive Consumption in 2013

*Mr. Barlage:*

- money has been an issue ever since he bought it in 2006
- he's ready for another code compliance inspection so that he can start working on it again
- he finally got a loan for the rehab; hopes to have it occupied by the end of the year, if not sooner
- is challenging the VB fee because he maintains the property and he pays people to monitor it
- he was never notified of anything; city did not send to the proper address; if they had, he would have done the work himself

*Ms. Moermond:*

- the city should not have to write you a letter telling you to take care of your property

*Mr. Barlage:*

- he has taken care of things; he's getting Notices for shoveling when he's been shoveling; doesn't understand
- did not get Notices about storing items in his back yard until after the fact; they had the wrong address on file
- correct information is now on file with the city and the county
- he should have 70-80% of the work done by mid-year

- intends to have the city inspect within the next month; code compliance inspection

Ms. Moermond:

- anniversary date is Nov 20, 2006; this VB fee covers Nov 2014 - Nov 2015
- if you can get the rehab done by mid-year, she can cut the bill in half
- will Lay this Over for 6 months; if you don't get the rehab done, the whole fee will be charged
- you will need to pull trades' permits and have them signed off; the building permit will be the last one to be signed off
- will talk about this again on Aug 18, 2015

Layover to August 18, 2015 as STAFF REPORT and if owner is code compliant, LHO will reduce by half. Public hearing continued to September 2, 2015.

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

**2**      [RLH TA 15-120](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1504, Assessment No. 158803 at 764 CONCORD STREET.

**Sponsors:**      Thune

Stephen Dick, owner, appeared.

Inspector Joe Yannarely:

- renewal of Vacant Building fee
- Category 2 Vacant Building from Apr 12, 2012 - Dec 1, 2014 when the code compliance approval letter was issued
- 7 months
- multiple extensions were given
- no Work Orders have been issued for the last couple of years

Mr. Dick:

- received a 90-day extension because he needed more time; then, he asked Matt Dornfeld if he could have another 30 days but he had already maxed out his extensions
- he did get it done in those 30 days
- doesn't understand how the VB fees work, exactly, but he's looking for a resolution to delete or prorate because he had been working on it constantly

Ms. Moermond:

- the anniversary is Apr 12
  - this VB fee is for Apr 2014 - Apr 2015; in that time period, Mr. Dick was given some extensions
  - will recommend reducing the fee to \$750
- Reduce from \$1595 to \$750.

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

**3**      [RLH TA 15-124](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 1181 EDGERTON STREET.

**Sponsors:**      Brendmoen

No show; approve.

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

4 [RLH TA 15-114](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504G1, Assessment No. 158408 at 699 IVY AVENUE EAST.

Sponsors: Bostrom

*Peter Nguyen, owner, appeared.*

*Inspector John Peter Ross:*

- *Inspector Seeley received a complaint regarding overflowing trash cans; possibly no trash service*
- *she went out Sep 30, 2014 and suspects she called Waste Management to see if service was current*
- *2 letters were sent Sep 30: 1) Summary Abatement Notice to clean up the bags; and 2) to provide evidence of valid trash service*
- *compliance was Oct 6, 2014; re-checked Oct 7 and sent Work Order and started city trash pick-up*
- *work - when crew went out, the bags had been picked up; Ms. Seeley waived that assessment*
- *starting trash service cost \$200 (start-up fee \$50; weekly service fee \$50; missing barrel \$100) + \$160 service charge = \$360*
- *home owner now has trash service*
- *letters were sent to Peter Nguyen, 10846 Nord Ave S, Bloomington; Occupant; and Peter Nguyen, 3112 Daylily Ave N, Brooklyn Park*

*Ms. Moermond:*

- *how did Code Enforcement get his new address in the system?*

*Mr. Ross:*

- *it came up under Ramsey Co Property Records when the letter was issued*

*Ms. Moermond:*

- *looking at this and seeing that this Order went to the correct address (dated in Sep); what's different about the information system that's used by code staff than the one used by Fire staff but it does look like the address was corrected by the time that the Fire Order went out; so, I will go back to the Fire C of O administrative fee gets deleted*

*Mr. Nguyen:*

- *he doesn't recognize this as his property in the photo; they have a concrete patio in the back and he doesn't see that; this is the first time he's seen a photo*
- *he talked with his tenant about this and she said that she never used the city trash service*
- *when he got the letter, he signed up with trash service for 1 year (that tells Ms. Moermond that he needed garbage service)*

*Ms. Moermond:*

- *will recommend approval of this assessment*

*Mr. Nguyen:*

- *his tenant and he did not use the city's service*
- *he got the service before the city sent over the can*

*Mr. Ross:*

- *he signed up for trash service Oct 9, 2014*

*Ms. Moermond:*

*- the fact that your tenant didn't use the city's trash service doesn't matter*

*Mr. Nguyen:*

*- but I'm being charged for 2 weeks*

*Ms. Moermond:*

*- you have been charged for 1 week plus a drop off fee plus the city's container was missing*

*- suggested that the talk with City Council about this on Apr 1, 2014*

*Approve the assessment. NOTE: Original public hearing date was February 18, 2015.*

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

**5**      [RLH TA 15-115](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1506, Assessment No. 158205 at 699 IVY AVENUE EAST.

**Sponsors:**      Bostrom

*Peter Nguyen, owner, appeared.*

*Fire Inspector Leanna Shaff:*

*- Fire Certificate of Occupancy Inspection fee cost: \$340 + \$155 service charge = \$495*

*- gold card was not returned*

*- appointment letter sent Apr 9, and May 9, 2014*

*- Correction Notice sent May 21, Jun 20, 2014 and Jul 15, 2014*

*- Revocation letter sent Aug 18, 2014; they were Revoked and then, they complied*

*- billings: Sep 26 and Oct 27, 2014*

*- mail was sent to: Peter Nguyen, 10846 Nord Ave S, Bloomington MN*

*- no returned mail*

*Mr. Nguyen:*

*- he doesn't live at the Bloomington address anymore; he lives at 3112 Daylily Ave N, Brooklyn Park, MN 55443*

*- when the inspector came out for the final visit and signed-off on it, Mr. Nguyen asked him to his new address; Inspector Thomas even wrote it down but Mr. Nguyen never got anything in the mail; otherwise, he would have paid it*

*- he did not get the F of O Orders; they were mailed to his old address*

*Ms. Shaff:*

*- their office has not received a signed change of address form*

*- Inspector Thomas had a difficult time talking with Mr. Nguyen; so posted the letters on the door of the property*

*- inspector has been trying to call the owner with no success; he left messages with owner in Aug*

*- tenants must have left him in*

*Mr. Nguyen:*

*- "I gave him my address and he wrote it down;" must have forgotten to enter it into the system*

*- he takes action and is very responsible; it could have been his fault because he was going thru a divorce; there was a lot on his mind*

*- after that, he updated his address with the county*

*- he filled out a new form at the LH; he was not aware of this form until today*

- he tried to contact Mr. Thomas several times with no success
- he did inform Mr. Thomas of his new address at the last inspection; he wrote it down and said, "Yes"
- he would appreciate help

Ms. Shaff:

- he updated his address with the county on Nov 8, 2014
- this is the first C of O on this property; originally, it was put into the system by LeClair on Apr 25, \_\_\_\_

Ms. Moermond:

- on balance, there's good reason to expect that you would have gotten this and there was no returned mail
  - her guess is that Mr. Nguyen's ex-wife got the letter but didn't share it with him
  - will recommend approval of this assessment; the Notice was sent to the address of record
- Reduce from \$495 to \$340 (delete service charge).

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

**6**      [RLH TA 15-127](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505B, Assessment No. 158104 at 551 JENKS AVENUE.

**Sponsors:**      Brendmoen

*Forthcoming. (LHO to contact police officer on scene)*

*Appellant, Kent Lefevre, appeared.*

*Joe Yannarely:*

- boarding requested by the SPPD at 6:16 a.m. on Nov 2 to secure an unsecured apt building
- cost of \$261.95, service charge of \$160 for total of \$421.95, most being emergency call

*Marcia Moermond:*

- questioning appellant if he is Cig #254 LLC

*Mr. Lefevre:*

- yes, Capital Investment Group is part of it
- chief manager of the bldg

*Ms. Moermond:*

- why appealing

*Mr. Lefevre:*

- our company is Capital Investment Group, very responsible for our properties
- has an investment in the City of Saint Paul
- bought this apt bldg 4 years ago
- completely remodeled and fully occupied
- this was a police call to one of the residents; apparently had someone in the apt holding her against her will
- the individual called 911 for assistance
- common door to the building where police had to come through
- there are upstairs apts - 4 apts structure, Unit 4 is where the police was at
- occupant called back to 911

-police asked to open the door, refused and so they forced entry, took him into custody  
-have a caretaker in the building, 24/7 staff and no one bothered to call; have an emergency maintenance line  
-not vacant structure but an occupy structure and caretaker lives right across the hall  
-we would dispatched our people over there but no one called us  
-this was very poor on the police dept  
-came and put 4 screws in the door and being billed for that

Ms. Moermond:

-the thing somebody came out to take care of it and you're being charged for the work

Mr. Lefevre:

-it was done without our permission, authorization or request nor contacting us

(Ms. Moermond reading the police reports)

-date and time of report 4 a.m and wrote on 5 am

Joe Yannarely:

-work wasn't done until 6:16 a.m.

-Mr. Lefevre:

-police should have called us  
-our numbers are posted in our rental licensing  
-first notice received  
-evicted the individual within 24 hours  
-understand the safety to be done but being billed

Ms. Moermond:

-in the police report, it says "I attempted to get a master key for the apartment without success" so it sounds like the keybox, they checked and were unable to get key out of the keybox.

Mr. Lefevre:

-they need to call to get the code  
-there are 4 in the common area and one master box in the building  
-get that they need to broke the door down but securing afterwards is not definitely their prerogative to secured inside an occupied building.  
-should be management's responsibility

Ms. Moermond:

-going to say not sure in this case that it would be management's responsibility  
-the police have to leave the scene secured; can't leave with a door open  
-it's policy and prudence, can't leave a crime scene open; this takes priority over contacting the owner(s)

Mr. Lefevre:

-i disagreed

Ms. Moermond:

-will talk to the police officer who was out there during that time and find out a little bit more of what was happening at the scene.  
-Police reports talked a lot of things going on at the scene

Mr. Lefevre:

*-man was released 2 days without charges*

*Ms. Moermond:*

*-reading police reports*

*-saying cops on the streets and cops in the building*

*-Aanenson was trespassing to the building but if he let her in, trespassing means nothing; impossible to enforce that order*

*Mr. Lefevre:*

*-we have in our lease that if someone is let in, then we can prosecute.*

*-billed unfairly*

*Ms. Moermond:*

*-will find out the master key and boarding contractor deal and process on this*

*-will find out the police perspective on the boarding contractor and master key and their procedure on this*

*-layover for 2 weeks to get police report, can call you.*

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

**7**      [RLH TA 15-129](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1505B, Assessment No. 158104 at 675 MAGNOLIA AVENUE EAST.

**Sponsors:**      Bostrom

*Chou Xiong, owner, appeared.*

*Inspector Joe Yannarely:*

*- boarding fee*

*- Category 2 Vacant Building with a history of numerous Orders*

*- upon inspection, the garage service door was found unsecured*

*- an Order was issued to RESPRO to secure the door*

*- no Notice was sent because they have an internal policy that says, if we've sent numerous Work Orders, just secure it*

*- work done Nov 13, 2014 for a cost of \$11.95 + \$160 service charge = \$171.95*

*Mr. Xiong:*

*- he did not own this place until Dec 1, 2014*

*- we had an agreement that the seller would pay all of the assessments before closing; they said that they did pay them all; now, we are getting bills*

*Ms. Moermond:*

*- no Notice was sent to tell you to secure this garage door*

*- will recommend that this assessment be deleted*

*Delete the assessment.*

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

**8**      [RLH TA 15-107](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505A, Assessment No. 158504 at 713 MAGNOLIA AVENUE EAST.

**Sponsors:**      Bostrom

*Owner did not appear. A letter of appeal was emailed after the hearing. Ms. Moermond reviewed the letter and the file and recommended approval of the*

assessment.

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

- 9      [RLH TA 15-128](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505B, Assessment No. 158104 at 134 MARIA AVENUE.

**Sponsors:**      Lantry

*No show; approve.*

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

- 10     [RLH TA 15-100](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1506, Assessment No. 158205 at 1210 PACIFIC STREET.

**Sponsors:**      Lantry

*Delete; check held up in mail since November and check returned to customer. DSI to process and apply payment. (No hearing necessary.)*

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

- 11     [RLH TA 15-126](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 827 PEDERSEN STREET.

**Sponsors:**      Lantry

*Delete; rehab complete within 60 days of anniversary. (No hearing necessary)*

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

- 12     [RLH TA 15-118](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502C, Assessment No. 152001 at 578 POINT DOUGLAS ROAD SOUTH.

**Sponsors:**      Lantry

*Annie Cherveney and Lynne Houle-Cherveney appeared.*

*Ms. Moermond:*

*- fire damaged house and an emergency abatement*

*Inspector Joe Yannarely:*

*- fire occurred evening of Mar 9 - morning of Mar 10*

*- after the fire, it was determined that the remaining structure was in a dangerous condition and the city ordered an Emergency Abatement of it*

*- city hired a contractor to take it down on Mar 18, 2014*

*- cost: \$22,898 + \$160 service charge = \$23,058.00*

*Ms. Annie Cherveney:*

*- this was our home*

*- are appealing because there a lot of things that really don't make much sense*



- right after the fire, we were sent a Vacant Building Registration Notice on Mar 12, asking to file; in the Notice, there's a part where you can let the city know about your future plans for the property; also, you could ask for a time extension

Mr. Yannarely:

- that Notice is generated automatically when there's a fire  
- there is no VB fee; it was cancelled because the situation was that the city tore it down right away

Ms. Cherveny:

- the Notice was sent Mar 12; they went to pay it and were not allowed to; then, to compound the confusion, they were sent another VB Registration fee warning letter; so we were confused  
- also, there was the Emergency Summary Abatement Order  
- if it was this big emergency and needed to be torn down within 72 hours, why wouldn't the inspectors notice that right away  
- they were not told anything specific except for environmental things - asbestos  
- she didn't see anything in the fire report .... she was told that there was asbestos on the property but was never shown anything that indicated that  
- the actual work didn't commence until Mar 31, 2014  
- in her opinion, she thinks this is really arbitrary and capricious of the city  
- she called over and over again trying to get information as to what was going on but could not get any satisfaction

Ms. Moermond:

- you should not have been billed for a VB registration fee; when you filed an appeal, that became obvious; it was cancelled; she does not know why they got a second letter - it is confusing; but no VB fee was charged;  
- today, we are talking about the cost of the demolition; looking at an Emergency Summary Abatement Notice

Mr. Yannarely:

- either Steve Ubl/Steve Magner or the Fire Marshall said that we have to get rid of this right now; it was a major collapse  
- read the comments  
- when they do an Emergency Abatement, they have to treat the whole house as if it were all contaminated, which costs more

Ms. Lynne Houle-Cherveny:

- they have access to many contractors and could very easily taken care of this themselves

Ms. Moermond:

- this is a lot of money so, she wants to make sure that she has a complete record  
- wants to get more of a complete fire report and photos  
- has a letter that was sent to Maria Cherveny, Lynne's daughter, that said that she needed to take care of this (doesn't see a date)

Mr. Yannarely:

- whenever there's a fire, a form letter goes out saying you have 72 hours

Ms. Moermond:

- needs fire report, photos, rest of the records  
- asked the Appellants to write something up and get it to her before Mar 24 about what happened during that exact time period  
- will Lay this Over to Mar 24, 2015 LH

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

- 13 [RLH TA 15-119](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502C, Assessment No. 152001 at 586 RICE STREET.

**Sponsors:** Thao

Approve. (Appealed by letter.)

Inspector Joe Yannarely, Vacant Buildings:

- The Stahl House
- the majority of the assessment had been taken care of earlier
- this is for the curb cuts: Mr. Wagner deemed the first subcontractor bid out of line; so, the city got their own contractor for the curb cuts at a lower cost of \$13,826 + \$40 = \$13,866.00

Ms. Moermond:

- Mr. Nguyen asked for financial hardship consideration
- they had posted the \$5,000 Performance Deposit
- the repair was never completed and moved toward demo for noncompliance
- she worked extensively with a woman who tried to purchase it but she was never able to execute a Contract for Deed on it
- she was in here with a Vietnamese interpreter, a realtor and a nonprofit
- will recommend approval of this assessment

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

- 14 [RLH TA 15-109](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503C, Assessment No. 152002 at 586 RICE STREET.

**Sponsors:** Thao

Ms. Moermond:

- The Stahl House
- this is the big assessment for the demolition of the structure
- cost: \$103,940 + \$1203.78 service charge (\$1163.78+\$35+\$5) = \$105,258.78
- there was a lot of hazardous waste associated with this demo

Inspector Joe Yannarely, Vacant Buildings:

- the base was \$37,900 and total cost was over \$105,000 because of all the hazardous waste
- also, 5 sewer connects underneath all had to be closed (\$7500)
- the hazardous waste cost was outrageous because there was so much

Ms. Moermond:

- Mr. Nguyen asked for financial hardship consideration
- they had posted the \$5,000 Performance Deposit
- the repair was never completed and moved toward demo for noncompliance
- would like to get a breakdown of costs

Ms. Mai Vang:

- demo 586 Rice: \$37,960
- asbestos abatement: \$58,480
- sewer disconnects: \$7,500
- demo 585 Rice: \$37,960

Ms. Moermond:

- this was Notices thoroughly and we talked with them extensively about what was required  
- the vast majority of this cost is hazardous material abatement  
- she worked extensively with a woman who tried to purchase it but she was never able to execute a Contract for Deed on it  
- she was in here with a Vietnamese interpreter, a realtor and a nonprofit  
- will recommend approval of this assessment  
Approve. (Appealed by letter.)

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

- 15 [RLH TA 15-116](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 872 SELBY AVENUE. (To be referred to Legislative Hearing on April 14; Council Public Hearing to be continued to May 6)

**Sponsors:** Thao

*LHO wants this to go with the Remove or repair file. LO 4/14 LH and 5/6 PH*

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

- 16 [RLH TA 15-122](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 987 SHERBURNE AVENUE.

**Sponsors:** Thao

*No show; approve.*

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

- 17 [RLH TA 15-123](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 419 VAN DYKE STREET.

**Sponsors:** Lantry

*Delete; project was done in time and should not have been assessed per DSI. (No hearing necessary)*

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

- 18 [RLH TA 15-111](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1504, Assessment No. 158803 at 426 VANCE STREET.

**Sponsors:** Thune

*Delete; code compliance approved letter on January 7, 2015. Per Legislative Hearing Officer recommendation from previous hearing, delete the assessment if owner is in compliance. (No hearing necessary)*

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

- 19 [RLH TA 15-121](#) Ratifying the Appealed Special Tax Assessment for Real Estate

Project No. J1503C, Assessment No. 152002 at 601 WESTERN AVENUE NORTH.

**Sponsors:** Thao

*Ameena Samatar, owner, appeared.*

*Inspector Joe Yannarely:*

*- Demolition costs assessment: \$35,455.02 + \$1295.48 service charge = \$36,750.50 for a large brick building*

*Ms. Samatar:*

*- nobody can pay that  
- the building was purchased for rehab but the city said we didn't bring in a work plan; she tried to cooperate  
- the first meeting, Sep 5, it was for demolition  
- she tried her best; this was the first building they bought for rehab; had no experience with this*

*Ms. Moermond:*

*- this argument was already made when the City Council made its determination to Order the building Removed or Repaired within the 45 day timeline  
- that CC decision was appealed in Appeals Court, a Writ of Cert. was filed; then, your husband appealed it the Supreme Court and at each juncture, your appeal was denied  
- she is not going to put her opinion over anything that an Appeals Court or the Supreme Court has made a decision on already*

*Ms. Samatar:*

*- continued to argue about the work plan*

*Ms. Moermond:*

*- this matter has already been decided in the city's favor - the city had followed the correct procedures  
- end of discussion*

*Ms. Samatar:*

*- who can pay this?  
- it wasn't fair  
- if I pay my taxes, I'm supposed to enjoy my property*

*Ms. Moermond:*

*- will recommend approval of this assessment  
- City Council Public Hearing on this will be Apr 1, 2015  
Approve.*

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

**20**     [RLH TA 15-125](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 1673 YORK AVENUE.

**Sponsors:** Bostrom

*No show; approve.*

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

21 [RLH TA 15-131](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505B, Assessment No. 158104 at 1021 ROSE AVENUE EAST.

Sponsors: Bostrom

*Mary Martner, owner, appeared.*

*Ms. Moermond:*

- VB assessment (\$1595) and boarding assessment (\$205.85)

*Inspector Joe Yannarely, Vacant Buildings:*

- Annual Vacant Building Registration fee

- Category 2 Vacant Building since Apr 10, 2012; referred by inspector due to a fire - fire occurred Oct 20, 2014 requiring the boarding contractor to be called but when the contractor arrived, someone was already taking care of it; so, they were sent home and there was no boarding fee charged for that

- Summary Abatement Order was issued Oct 21, 2014 to secure a garage service door and a window; re-checked Nov 6 and found in noncompliance; Work Order was sent to RESPRO, who came out to secure for a cost of \$45.85 + \$160 service charge = \$205.85

- annual VB fee: \$1440 + \$155 service charge = \$1595

- numerous permits have been pulled (building, electrical, plumbing, mechanical) - none signed-off yet

- 7 Work Orders have been performed since Apr 10, 2012

*Ms. Martner:*

- after the fire, she immediately had her contractor board up the house; she was unaware that the garage was unsecured and she did not receive any Notice to that effect; the garage was not involved in the fire

*Mr. Yannarely:*

- the Summary Abatement also said to remove accumulated refuse, garbage, rubbish, discarded furniture, brush, etc. and then, immediately secure all buildings which are open to unauthorized entry including garage, service door and window; compliance a week later; he went back to inspect Nov 4 and said that other work was being done, so he came back in 48 hours on Nov 6 and saw that the garbage was gone but the garage was still unsecured

*Ms. Martner:*

- bought the house the end of Mar 2014

- the contractors had begun work and were pretty far along when the fire happened in Oct

- after the fire inspector came thru, she searched for new contractors because she wanted contractors who were trained, specifically, in fire abatement

- she got some bids and work started in Dec 2014, when she received the insurance proceeds

- she looked at the property on Sun and all the sheet rock is up; initial painting is done; trim is done; cabinets are in; appliances are ordered; everything is being done with new permits

- hopefully, it all should be done in by beginning - mid-Mar

- she did apply for a fire extension Dec 2, 2014; she had just received her settlement from the insurance company and was in the process of obtaining bids

*Mr. Yannarely:*

- VB anniversary date is in Apr; there was a 90-day fee waived Apr 10, 2014; there

was another 30-day fee waived Aug 4, 2014; then, on Sep 29, 2014, there was another 60-day fee waiver given

- the fire and the VB fee have nothing to do with each other

*Ms. Martner:*

- she took ownership with the understanding that the 2014-2015 VB fee had been paid (Ms. Moermond explained that at that point the VB fee would have been for 2013-2014)

*Mr. Yannarely:*

- the previous 2 VB fees went to assessment  
- we have 180 days of waived VB fees

*Ms. Moermond:*

- asked if Ms. Martner had any closing document stating what assessments they paid? It looks like there were 2 VB registration fees paid by assessment; if this became a VB in 2012, it would have been 2012-2013 and 2013-2014 fees paid  
- today, we have the 2014-2015 VB fee  
- at the very best, you will get either 3/4 or 1/2 of the VB fee; there were extensive waivers before the fire waiver

*Mr. Yannarely:*

- all those waivers were before the fire  
- doesn't see any 90-day waiver given after the fire  
- we are less than 2 months away from the anniversary date

*Ms. Martner:*

- her contractor told her that all the permits had been finalized before the fire

*Mr. Yannarely:*

- he sees all permits as open (Ms. Martner: those are with her new contractor filed in Dec 2014)

*Ms. Moermond:*

- by the beginning of Mar, it will have been 11 or 12 months that you would have been in the VB Program  
- will recommend approval of the registered VB fee  
- will recommend approval of the boarding of the garage; the Order was received and the garage was still open

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

**22**     [RLH TA 15-132](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 1021 ROSE AVENUE EAST.

**Sponsors:**         Bostrom

Approve.

Mary Martner, owner, appeared.

*Ms. Moermond:*

- VB assessment (\$1595) and boarding assessment (\$205.85)

*Inspector Joe Yannarely, Vacant Buildings:*

- Annual Vacant Building Registration fee

- Category 2 Vacant Building since Apr 10, 2012; referred by inspector due to a fire
- fire occurred Oct 20, 2014 requiring the boarding contractor to be called but when the contractor arrived, someone was already taking care of it; so, they were sent home and there was no boarding fee charged for that
- Summary Abatement Order was issued Oct 21, 2014 to secure a garage service door and a window; re-checked Nov 6 and found in noncompliance; Work Order was sent to RESPRO, who came out to secure for a cost of \$45.85 + \$160 service charge = \$205.85
- annual VB fee: \$1440 + \$155 service charge = \$1595
- numerous permits have been pulled (building, electrical, plumbing, mechanical) - none signed-off yet
- 7 Work Orders have been performed since Apr 10, 2012

Ms. Martner:

- after the fire, she immediately had her contractor board up the house; she was unaware that the garage was unsecured and she did not receive any Notice to that effect; the garage was not involved in the fire

Mr. Yannarely:

- the Summary Abatement also said to remove accumulated refuse, garbage, rubbish, discarded furniture, brush, etc. and then, immediately secure all buildings which are open to unauthorized entry including garage, service door and window; compliance a week later; he went back to inspect Nov 4 and said that other work was being done, so he came back in 48 hours on Nov 6 and saw that the garbage was gone but the garage was still unsecured

Ms. Martner:

- bought the house the end of Mar 2014
- the contractors had begun work and were pretty far along when the fire happened in Oct
- after the fire inspector came thru, she searched for new contractors because she wanted contractors who were trained, specifically, in fire abatement
- she got some bids and work started in Dec 2014, when she received the insurance proceeds
- she looked at the property on Sun and all the sheet rock is up; initial painting is done; trim is done; cabinets are in; appliances are ordered; everything is being done with new permits
- hopefully, it all should be done in by beginning - mid-Mar
- she did apply for a fire extension Dec 2, 2014; she had just received her settlement from the insurance company and was in the process of obtaining bids

Mr. Yannarely:

- VB anniversary date is in Apr; there was a 90-day fee waived Apr 10, 2014; there was another 30-day fee waived Aug 4, 2014; then, on Sep 29, 2014, there was another 60-day fee waiver given
- the fire and the VB fee have nothing to do with each other

Ms. Martner:

- she took ownership with the understanding that the 2014-2015 VB fee had been paid (Ms. Moermond explained that at that point the VB fee would have been for 2013-2014)

Mr. Yannarely:

- the previous 2 VB fees went to assessment
- we have 180 days of waived VB fees

Ms. Moermond:

- asked if Ms. Martner had any closing document stating what assessments they paid? It looks like there were 2 VB registration fees paid by assessment; if this became a VB in 2012, it would have been 2012-2013 and 2013-2014 fees paid
- today, we have the 2014-2015 VB fee
- at the very best, you will get either 3/4 or 1/2 of the VB fee; there were extensive waivers before the fire waiver

Mr. Yannarely:

- all those waivers were before the fire
- doesn't see any 90-day waiver given after the fire
- we are less than 2 months away from the anniversary date

Ms. Martner:

- her contractor told her that all the permits had been finalized before the fire

Mr. Yannarely:

- he sees all permits as open (Ms. Martner: those are with her new contractor filed in Dec 2014)

Ms. Moermond:

- by the beginning of Mar, it will have been 11 or 12 months that you would have been in the VB Program
- will recommend approval of the registered VB fee
- will recommend approval of the boarding of the garage; the Order was received and the garage was still open

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

**23**     [RLH TA 15-133](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 427 WHITALL STREET.

**Sponsors:**        Brendmoen

*LHO will rec deletion of the assessment if the furnace permit is finalized by April 1.*

*Tom Wybierala, owner, appeared.*

*Inspector Joe Yannarely, Vacant Buildings:*

- Vacant Building Registration fee: \$1440 + \$155 service charge = \$1595
- Category 2 VB since Nov 20, 2012
- LH said they did not need to get a Code Compliance Inspection Report; owner will contact the inspector regarding the furnace

*Mr. Wybierala:*

- we just needed a re-inspection and this VB fee would be waived
- they got the furnace deal taken care of under permit by a licensed contractor, Tom Neumann
- they need the city to come out and inspect it; they talked to Mr. Singerhouse and he is going to contact us
- they pulled the permit as homeowners; it cost \$200+

*Mr. Yannarely:*

- note: owner came in signed-off permit but not by a licensed contractor
- James Lichtblau is the mechanical inspector on this



*Ms. Moermond:*

- the contractor should have pulled that permit
- she will delete the whole assessment if Tom pulls the permit (\$75) for this under his name and gets it signed off by the mechanical inspector
- if this is taken care of by Apr 1, 2015, the VB fee will be gone

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

- 24**     [RLH TA 15-134](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 688 SIXTH STREET EAST.

**Sponsors:**     Lantry

*Joseph Palen, owner, attended and then left.*

*Mr. Palen left a note saying "I'm not contesting any of the fees; work is in progress by a licensed contractor to obtain a Certificate of Occupancy. I merely came to hear the inspector report but I need to leave for a Dr.'s appointment.*

*Inspector Joe Yannarely, Vacant Buildings:*

- Category 3 Vacant Building
- was at LH last week; LO laid this over to Feb 24, 2014
- he has a new Code Compliance Inspection Report
- he has posted the \$5,000 Performance Deposit
- seems like he's on his way of accomplishing the rehab
- anniversary date is Oct 27, 2008

*Ms. Moermond:*

- this VB fee has to be paid before the City Council can grant approval
  - will recommend this assessment be approved
- Approve.*

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

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

- 25**     [RLH AR 15-5](#)     Ratifying the assessments for Collection of Certificate of Occupancy fees billed September 15 to October 10, 2014. (File No. CRT1506, Assessment No. 158205)

**Sponsors:**     Lantry

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

- 26**     [RLH AR 15-6](#)     Ratifying the assessments for Collection of Vacant Building fees billed January 27 to October 22, 2014. (File No. VB1505, Assessment No. 158804)

**Sponsors:**     Lantry

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

- 27**     [RLH AR 15-7](#)     Ratifying the assessments for Demolition services from August and October 2014. (File No. J1502C, Assessment No. 152001)

**Sponsors:** Lantry

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

- 28 [RLH AR 15-8](#) Ratifying Demolition services from September to October 2014. (File No. J1503C, Assessment No. 152002)

**Sponsors:** Lantry

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

- 29 [RLH AR 15-9](#) Ratifying the assessments for Boarding and/or Securing services during November 2014. (File No. J1505B, Assessment No. 158104)

**Sponsors:** Lantry

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

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 30 [RLH SAO 15-14](#) Appeal of Phill Spiker to a Vehicle Abatement Order at 163 CLEVELAND AVENUE NORTH.

**Sponsors:** Stark

*Phill Spiker, owner, appeared.*

*Inspector John Peter Ross:*

- a complaint came in re a silver Pathfinder vehicle that was either damaged, abandoned or both, parked in the rear behind the garage
- he went to investigate; took photos; license plate from Jun 2013: SNJ 642; shows some damage to the rear
- the vehicle is partially on a driveway apron; the rest on Class 5; alley is paved
- Orders sent Feb 6; compliance Feb 13
- Orders referenced lacking current tabs, missing parts, appears undriveable, unapproved surface
- owner had not contacted him asking for more time

*Mr. Spiker:*

- he was not sure what to do; hadn't had this experience before
- the vehicle is inoperable; he doesn't have a title; originally, they thought they had bought the car- had the loan; then, the dealer calls back later and said that they had to put them on a lease; eventually, they transferred the loan to their credit union but the title never showed up; he is still trying to find the title thru G-Capital; basically, he can't get rid of the car (he can't donate it; he can't junk it; he can't sell it); he needs a title for those things
- so, he's asking for more time to secure the title

*Ms. Moermond:*

- asked Mr. Ross to explain a manager's tow

*Mr. Ross:*

- a manager's tow is initiated by calling 651-291-1111 and ask to talk to Parking

*Enforcement; they will tow the vehicle but you have to sign a waiver saying that it's on your property and you don't know who the owner is; they will tow it but he is unsure as to the charge for towing; you or a responsible party needs to sign on site when the tow truck appears*

*- the vehicle is not blocking the alley*

*Mr. Spiker:*

*- is sure that he could have the car towed thru AAA*

*Ms. Moermond:*

*- call SPPD non-emergency number: 651-291-1111 to be put thru to Parking Enforcement*

*- if you don't tow it; the city will (for a charge)*

*Grant until March 6, 2015 to get rid of or come into compliance with the vehicle.*

**Referred to the City Council due back on 3/4/2015**

### Correction Orders

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

**Sponsors:**     Thune

*Gina McCabe, appellant, appeared*

*Elizabeth Day and Rudolph Bachofner, neighbors of 1188 Lincoln appeared*

*DSI Staff: John Peter Ross*

*LHO staff: Marcia Moermond, Mai Vang, Jean Birkholz*

*Mr. Ross:*

*- gave aerial map, runs down the driveway shared between both properties.*

*-Rec'd a complt, dumpster parked, shared driveway, disagreement among the neighbors re the property line.*

*Inspected on Feb 5 – issued two orders, sa for bags on the front yard filled with construction debris, 2nd is the dumpster overflowing. Final pic showed the location of the dumpster. Short retaining wall on one side. Went with aerial photos*

*-asked both property owners to call, dumpster has since been empty and replaced with new one*

*-may arise in the future, suggested both parties show up for appeals. The orders to comply is by Feb 10th.*

*Ms. Moermond:*

*-looks like you have alley access.*

*Ms. Day:*

*-yes, we do.*

*Ms. McCabe:*

*-we do use it*

*Ms. Day:*

*-don't use it to get into the garage.*

*Ms. Moermond:*

*-why appealing*

*-orders say to relocate large roll-off dumpster so that it is completely inside the*

*property line for 1186 Lincoln Ave.*

*Ms. McCabe:*

*-wants to address a few things from the complaint [presented materials here attached to record]*

*-first photos looking from Lincoln, issue of complaint was the shared driveway, no easement, property line dispute.*

*- regarding the shared driveway that was no news to us. Our house was built in 1907, this was original to the house. Their house blt two years later. The driveway is visibly present for Ramsey County, aerial photos since 1985.*

*-the driveway only have access to our garage and does not access their property at all and they don't use the driveway. We used it since we moved in. We parked there, our kids play in it.*

*-confused and maybe don't understand the legal definition of a shared driveway*

*-additonal photos showed more shots of the driveway going into the garage*

*-page 5 – garage going down to Lincoln and the curb is quite old*

*-fence is something they put up and maintained*

*-it drives right up to the garage*

*-garage has been there since probably in 1907*

*-page 6 – there is no access to their property through that driveway.*

*-Page 7 – property line dispute...looking thru Ramsey County website back to 1985, the driveway existed. The property line runs right along the edge of the driveway.*

*-Page 9 – 1991 – running along the edge of driveway, starting in 2003, you can see the lines have shifted to the east and again in 2006, 2008, 2009, 2011.*

*Ms. Moermond:*

*-parcel lines are prepared for tax purposes and not for survey purposes so more general outline and in that level.*

*-why would we look for a pin.*

*Ms. McCabe:*

*-find it odd of when were the pins put in*

*-why would the owner purposely built ours to go over the neighbors property line*

*Ms. Moermond:*

*-that happens*

*-if get it surveyed, there is no pin now, then it would need to be surveyed*

*Ms. Day:*

*-we had it surveyed*

*Ms. McCabe:*

*-we have not had a survey done and probably will have it done*

*-what if surveys are odd with one and another*

*-issue with the driveway, that is the element*

*-things shifted to the east which is a concern*

*-Last issue – in the they complaint it says that they contacted us and were told that it was none of our business but there has never any been any formal contact between us, the only contact we got was from the dumpster co. to remove the dumpster immediately or they would call the police*

*-never heard from them directly*

*Mr. Bachofner:*

*-we wouldn't told about their plans to put the dumpster there either*

*Ms. Day:*

– has heard that our houses were owned by two family members and maybe that driveway was put in at some point, I think.  
- moved in 1993 as renters and then bought it in 1995  
– always wondered about appellant's garage because our garage overhangs onto their driveway and our garage sits right on the edge of the curb.  
-In 2006 – we put a fence and wanted to create a more nicer environment, got a survey and that was when saw where the property line was sitting.  
-never made an issue about it nor intended to use the driveway. Talked to a real estate realtor at the time, in terms of the title I was worried in case we ever sell it and he suggested I talked to the owners to come into an agreement but former owners weren't interested but he said their rights are limited to egress only, about 3 ft into the driveway. We never objected to them driving in and out of the driveway if they agreed not to park there so there was no problems.  
- When the McCabe moved in 2009, I talked to them about the property line dispute and told them due to my job, I need to disclose property line issues.  
-asked them to put an easement together and they told me they weren't interested. In 2011 they did a major project, we asked them to not park a dumpster but they had it parked there anyways.  
-Last yr they put a dumpster in the driveway and we told them not to, they stopped talking to us. One day the dumpster shows. Andy started throwing down the shingles from the roof and debris was flying all over.  
-very upsetting. Before I called the City to complain, I called the surveyor to come back and remount the pins. The former pins were very tiny when former owners had them put it in. They came out that Monday after dumpster was delivered and I called and filed a complt. I have photos of the monuments.  
-we don't want to come into a confrontation like this.  
-for the owner at 1186 Lincoln to be doing construction, it will take them a long time.  
-we both work at home and our living area faces the dumpster  
-when asked general questions to Mr. McCabe, he didn't like it  
[Need to email photos to be put on record]  
-this is the rear and in terms of construction, former owners didn't do a lot of project but these owners plan to do a lot of projects.

Ms. Shaff:

-was there permit on the construction

Ms. McCabe:

-yes, there is a permit

-recalled the conversation about the property line but don't recalled about a legal easement or agreement.

Mr. Bachofner:

– we just don't want them to put the dumpster in the driveway.

-and right not on the street

-the fear is we don't know how the project is going to take

Ms. McCabe:

-cost saving issues

Ms. Day:

-according to our survey, it's sitting on our property line.

Ms. Moermond:

-from a mediation standpt always best to have conversation. I can say calling in with a complt can be anonymous. Responsibility of the City is whether it's founded or unfounded complaint. On the property line submitted, without having other

information, the dumpster is partially on their property and so the question is whether the city is responsible for enforcing this property line and the dumpster placement between the houses is appropriate? If it were a garbage can, can it be there, or a vehicle? The dumpster is gone so we are talking about future issue. What need is a right of way encroachment which the garbage can or a vehicle can it be there which I don't know the answer to that.

-the dumpster is gone so we are talking about a future dumpster and probably need a ROW encroachment permit

-Dumpster co can get this on their own.

-Let me look at into this.

-asking when another project is going to take place

Ms. McCabe:

-need to confirm with Mr. McCabe, but probably another month

-Layover for 2 weeks to talk to CAO and read the code pertaining to dumpsters.

Ms. Day:

-we are not disputing their egress or egress rights, just parking.

-It's not a parking spot

mm-LO 2 weeks and need to read the code on the dumpster...

I will put a decision on the record.

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

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 32 [RLH VO 15-4](#) Appeal of Dave Wellstone for St. Paul Family Homes, LLC to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 360 FULLER AVENUE.

**Sponsors:** Thao

*Per Inspector Jeremy Hall's email:*

*I'm glad to see your incredible progress at 360/362 Fuller today! Thank you for all the work that you have done. As in our discussion today, please contact the Legislative Hearing office (266-8585) to withdraw your hearing for the above address and send in the ORSAT test to my supervisor AJ Neis in my absence and he will approve the file with the corrections of window screens and the hole in the wall in the basement of Unit 362 #1. When I get back in the office in March I will schedule an inspection to look at these remaining items.*

**Withdrawn**

- 33 [RLH VO 15-3](#) Appeal of Anna Ovsyannikova to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 670 FIFTH STREET EAST.

**Sponsors:** Lantry

*Anna Ovsyannikova, owner, and Lisa Hollingsworth, SMRLS on behalf of tenant, Lavelle Collaso appeared.*

*DSI staff: Leanna Shaff appeared.*

*Ms. Shaff:*

-Fire C of O and Order to vacate  
-been going on for quite some times, since Oct 2014  
-rec'd no compliance from owner forcing to the revocation and order to vacate

Ms. Moermond:

-asking for a sense of what the nature of the orders were at from Oct 2014 to now

Ms. Shaff:

-orders dated Oct 2, 2014 - second flr door and door locks, water knob on shower wall, (still going on in Jan), exterior of the garage, missing/damaged screens and storm windows, garage foundation walls, weaken soft staircase/steps on the east staircase, CO detectors chirping batteries, curling or damaged floor tiles in kitchen, no heating report done, smoke detector affidavit (11 items) which grew.

Ms. Moermond:

-asking why appealing

Ms. Hollingsworth:

-represents tenants, 2 adults and 4 children  
-lived in home since August  
-tenants are Lavelle and Matthew Collaso  
-in conversation with landlord, she said the tenants are responsible for the damages  
-from list, they are structural and exterior items, unsafe stairwell, smoke detectors, CO are not tenant caused problems  
-in addition to filing an appeal, also filed an Emergency Tenant Remedy Action (ETRA)  
-gave notice to landlord on the 10th and filed on the 11th via e-filing but Court is slow in that process  
-got a call from Linda of Housing Court on Friday that the filing is up for signing so no scheduled court date yet  
-this is a large family at risk of displacement  
-not sure what landlord intended to do with property and not sure if PO is aware of the the repairs needed

Ms. Moermond:

-need a copy of the ETRA (provided a copy)  
-owner was a no show last week and here now

Ms. Ovsyannikova:

-was moving and missed the hearing  
-everything on the list is completed, has pictures to show  
-got this property 2-3 years ago  
-completely renovated; got tenants in Section 8; has had Fire inspections there; the tenants trashed the property; moved out, remodeled, new tenants moved in  
-old tenants left trash everywhere; remodeled house twice  
-recent inspection with Sean Westenhofer gave out the first C of O, fixed up everything except for the garage which needed historical permit  
-scheduled and rescheduled a couple of times  
-new inspector came in and revoked the C of O  
-requested Friday instead of Monday; inspector didn't see repairs done but they are done  
-can show pictures; hard to find somebody for the exterior who can do historical approval repairs  
-already apply for permits, all left is the exterior work which need HPC permit approval.  
-tenants were only there for 5 months, before that the repairs were all beautiful.

-tenants are smoking in the house which is not allowable per lease, many people living there (other people)  
-wants an inspector there one more time for inspection  
-wants to evict tenants  
-floors were beautiful before tenants moved in and now damaged  
-biggest issue only is the garage but garage not on lease (tenants are not allowed in the garage)

Ms. Moermond:

-this is a Fire order, if garage not using and not on lease, order need to be transferred to Code Enf and they would be responsible.

Ms. Shaff:

-they are part of the C of O

Ms. Moermond:

-going to say no if not part of lease.  
-need to provide a copy of the lease to show that garage is not included  
-should get an inspector out there

Ms. Shaff:

-quite the issue with property owner  
-asked for extension and she declined it due to extreme difficulty in getting into the property  
-inspector notes: 3/10/14: Inspector Westenhofer putting off inspection until the summer bc owner evicting tenants for violating multiple code violations (previous tenants); scheduling in Aug; Nov-no show for appt, no call or email to cancel; no show on Jan 7 - both tenants/po unaware of inspection but allowed access-no repairs done and some new violations  
-due to ongoing problems and initial inspection not completed and was given multiple deadlines by previous inspector and PO is not managing the property

Ms. Moermond:

-asking if an inspection can be made this week

Ms. Shaff:

-no, has brand new inspectors and short handed

Ms. Moermond:

-how about Monday, got an ETRA hearing and going to Council, need something

Ms. Ovsyannikova:

-wants to show pictures  
-never had problems like this  
-every property has it's C of O

Ms. Moermond:

-need to email the photos to add to record

Ms. Ovsyannikova:

-floor was spotless before the tenants moved in  
-heating inspection, new flooring, all done

Ms. Moermond:

-dealing with current situation  
-looking for time?



Ms. Hollingsworth:

-yes, client needs time, if it a remedy of situation it would be good because hard to find place right now

Ms. Moermond:

-layover for 1 week to get baseline of inspection  
-regardness of who caused the problems, looking at problems being present  
-need inspection scheduled right away with inspector

**Laid Over to the Legislative Hearings due back on 2/24/2015**

**34**     [RLH VO 15-6](#)

Appeal of Lavelle Collaso by Lisa Hollingsworth to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 670 FIFTH STREET EAST.

**Sponsors:**         Lantry

Anna Ovsyannikova, owner, and Lisa Hollingsworth, SMRLS on behalf of tenant, Lavelle Collaso appeared.

DSI staff: Leanna Shaff appeared.

Ms. Shaff:

-Fire C of O and Order to vacate  
-been gonig on for quite some times, since Oct 2014  
-rec'd no compliance from owner forcing to the revocation and order to vacate

Ms. Moermond:

-asking for a sense of what the nature of the orders were at from Oct 2014 to now

Ms. Shaff:

-orders dated Oct 2, 2014 - second flr door and door locks, water knob on shower wall, (still going on in Jan), exterior of the garage, missing/damaged screens and storm windows, garage foundation walls, weaken soft staircase/steps on the east staircase, CO detectors chirping batteries, curling or damaged floor tiles in kitchen, no heating report done, smoke detector affidavit (11 items) which grew.

Ms. Moermond:

-asking why appealing

Ms. Hollingsworth:

-represents tenants, 2 adults and 4 children  
-lived in home since August  
-tenants are Lavelle and Matthew Collaso  
-in conversation with landlord, she said the tenants are responsible for the damages  
-from list, they are structural and exterior items, unsafe stairwell, smoke detectors, CO are not tenant caused problems  
-in addition to filing an appeal, also filed an Emergency Tenant Remedy Action (ETRA)  
-gave notice to landlord on the 10th and filed on the 11th via e-filing but Court is slow in that process  
-got a call from Linda of Housing Court on Friday that the filing is up for signing so no scheduled court date yet  
-this is a large family at risk of displacement  
-not sure what landlord intended to do with property and not sure if PO is aware of the the repairs needed

*Ms. Moermond:*

- need a copy of the ETRA (provided a copy)
- owner was a no show last week and here now

*Ms. Ovsyannikova:*

- was moving and missed the hearing
- everything on the list is completed, has pictures to show
- got this property 2-3 years ago
- completely renovated; got tenants in Section 8; has had Fire inspections there; the tenants trashed the property; moved out, remodeled, new tenants moved in
- old tenants left trash everywhere; remodeled house twice
- recent inspection with Sean Westenhofer gave out the first C of O, fixed up everything except for the garage which needed historical permit
- scheduled and rescheduled a couple of times
- new inspector came in and revoked the C of O
- requested Friday instead of Monday; inspector didn't see repairs done but they are done
- can show pictures; hard to find somebody for the exterior who can do historical approval repairs
- already apply for permits, all left is the exterior work which need HPC permit approval.
- tenants were only there for 5 months, before that the repairs were all beautiful.
- tenants are smoking in the house which is not allowable per lease, many people living there (other people)
- wants an inspector there one more time for inspection
- wants to evict tenants
- floors were beautiful before tenants moved in and now damaged
- biggest issue only is the garage but garage not on lease (tenants are not allowed in the garage)

*Ms. Moermond:*

- this is a Fire order, if garage not using and not on lease, order need to be transferred to Code Enf and they would be responsible.

*Ms. Shaff:*

- they are part of the C of O

*Ms. Moermond:*

- going to say no if not part of lease.
- need to provide a copy of the lease to show that garage is not included
- should get an inspector out there

*Ms. Shaff:*

- quite the issue with property owner
- asked for extension and she declined it due to extreme difficulty in getting into the property
- inspector notes: 3/10/14: Inspector Westenhofer putting off inspection until the summer bc owner evicting tenants for violating multiple code violations (previous tenants); scheduling in Aug; Nov-no show for appt, no call or email to cancel; no show on Jan 7 - both tenants/po unaware of inspection but allowed access-no repairs done and some new violations
- due to ongoing problems and initial inspection not completed and was given multiple deadlines by previous inspector and PO is not managing the property

*Ms. Moermond:*

- asking if an inspection can be made this week

*Ms. Shaff:*

*-no, has brand new inspectors and short handed*

*Ms. Moermond:*

*-how about Monday, got an ETRA hearing and going to Council, need something*

*Ms. Ovsyannikova:*

*-wants to show pictures*

*-never had problems like this*

*-every property has it's C of O*

*Ms. Moermond:*

*-need to email the photos to add to record*

*Ms. Ovsyannikova:*

*-floor was spotless before the tenants moved in*

*-heating inspection, new flooring, all done*

*Ms. Moermond:*

*-dealing with current situation*

*-looking for time?*

*Ms. Hollingsworth:*

*-yes, client needs time, if it a remedy of situation it would be good because hard to find place right now*

*Ms. Moermond:*

*-layover for 1 week to get baseline of inspection*

*-regardless of who caused the problems, looking at problems being present*

*-need inspection scheduled right away with inspector*

**Laid Over to the Legislative Hearings due back on 2/24/2015**

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

### **Fire Certificates of Occupancy**

- 35**     [RLH FCO 15-20](#)     Appeal of David Funck for Homestead Holdings to a Fire Inspection Correction Notice at 2128 ARLINGTON AVENUE EAST.

**Sponsors:**     Bostrom

*David Funck, appeared.*

*Mr. Funck:*

*- requesting that the inspector's request to have a barrier around the gas meter be waived*

*Fire Inspector A. J. Neis:*

*- Fire Certificate of Occupancy Correction Notice dated Jan 29, 2015 by Inspector Jonathan Gaulke*

*- appealed today is #1 - to provide vehicle impact protection for the gas meter that's attached to the house very close to the driveway; in front of the driveway, however, is a very large wooden shed*

- after looking at the photos himself, he would have advised the inspector to consult with the occupant and let him know that if that shed was to ever be moved, then, gas meter protection should be ordered
- in his opinion, that shed provides substantial protection for that meter, at this time

Ms. Moermond:

- this appeal is granted
- Grant the appeal as long as the shed remains a barrier for protection of the gas meter.

**Referred to the City Council due back on 3/4/2015**

**36**      [RLH FCO 15-18](#)      Appeal of Timothy McCormick to a Fire Inspection Correction Notice at 1191 REANEY AVENUE. (Public hearing continued from March 4)

**Sponsors:**      Lantry

Timothy McCormick, owner, appeared.  
- entered a stack of paperwork

Ms. Moermond:

- garbage service Order issued Feb 12, 2015; Excessive Consumption issued Feb 12, 2015; Summary Abatement Order issued Feb 4, 2015 including mattress north of the garage; tires by the alley; Feb 12, 2015 issued Excessive Consumption bill; invoice; there are multiple copies
- asked Mai Vang to bring up this address

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice issued Jan 22, 2015 with re-inspection scheduled for Jan 24, 2015 by Inspector Franquis
- 10 code violations were identified (one to provide a heating report; another is a smoke detector affidavit); one includes the garbage (code enf order)
- multiple items are being appealed
- looking at the photos, some Orders need clarification; some appear valid

Ms. Moermond:

- garbage #4 on list together with a SA Order (this is covered in both places with inconsistent deadline)
- has been confused and wondered for years why Summary Abatement issues are written the Fire Order and not just referred to Code Enforcement

Mr. Neis:

- inspection dated Jan 22 - giving owner a compliance date of Feb 24 (owner assumed he had time to fix the issue); Code Enforcement Inspector Gavin must have been doing a sweep in the area or there was a complaint call; so, he issued the SA for garbage
- the inspector should have referred it to Code Enforcement immediately
- no photos in file on garage

Mr. McCormick:

- #1 garage repair - the top one is mine; the bottom one is the nbrs wall, which is starting to deteriorate; my wall is not there yet; cannot be painted in the middle of winter
- he re-roofed the garage and replaced the soffit and fascia last summer (read that one does not need to pull a permit to re-shingle a garage)
- re: fence repair: one section of fence, right next to the garage - he put a top bar on it which had been removed; the other fence on the east side of yard runs right up

against the nbrs' garage, which tells him that's the nbrs' fence (property line issue?)  
- he took a picture of this garage to show what the nbrs' state of paint repair is but not because of anything that has to do with property lines; this has no shared property line with his property

Mr. Neis:

- looking at a street view of these properties, the fence goes all the way around the other property; so, it's not the Appellant's fence; it's 1195 Reaney's fence to the east of this property

Mr. McCormick:

- #2 he is going to replace the front steps; need to do guardrail  
- #3 pkg spaces for garage; apron is not a pkg space; inside of garage is cement; the alley looks like asphalt (Ms. Moermond: it's part of the parking back there and because gravel is abutting asphalt on one side and cement on the other - the gravel needs to be made into a hard, durable, dustless surface) (Zoning Code & the Property Maintenance Code)  
- garbage on property was dumped; it has happened 3 times since late Jul - Aug (Mr. Neis: suggested he put a light on the back of the garage/motion detector with lighting/video surveillance cameras/fake cameras; signs; keeping the property occupied); Mr. McCormick thinks the whole city should cover dumping costs; new tenant in May  
- removed plug adaptors in basement and extension cords; fixture cover #7  
- installed handrail; doesn't think that a full guardrail needs to be installed (Ms. Moermond: thinking about what the code might have been at the time of construction in 1911; the 1890 code talked about having walls on both sides of a staircase going down; here, we're looking at a wall on one side only)

Mr. Neis:

- this is a challenging one; photos indicate a less than professional job was done when the wall was cut, perhaps to get an appliance down the basement or .... the wall may have extended up at some point; we can't tell for sure; you could put up lattice so that you could take it out; may want to run that by the inspector  
- when you install a handrail for the basement stairs, it has to return back into the wall so that something doesn't get caught on the edge

Mr. McCormick:

- front door locks: keys had not been provided when he bought the house so, he removed all the guts out of the locks; inspector told him to replace with a plate and put in a lock that functions; side door - woodwork needs to be maintained  
- door knobs on 2 closet doors - (Mr. Neis: maintained as originally equipped)

Ms. Moermond:

- mattress and tires - Feb 24 deadline (will be enforced as a Summary Abatement Order so, if that date isn't met, the city will come out and clean it up for you at a price); recommends that Fire Withdraw that part of this Order; Mr. Neis will email Insp Gavin  
- follow-up inspection moved to week of Mar 9, 2015  
- the Excessive Consumption fees can be handled as a proposed tax assessment; she needs to find out why it's being charged

Deadlines:

mattress and tires (Item #4) - withdrawn by Fire and to be transferred to Code Enforcement;  
grant until March 9, 2015 for a plan on the handrail to be submitted to DSI (Items #9);  
grant until June 1, 2015 for guardrail (Item #2) and concrete stairs (Item #2);

grant until June 1, 2015 for the parking space issue (site plan to be submitted to Zoning);  
 grant until October 1, 2015 for garage repairs and painting (Item #1);  
 grant until March 13, 2015 for the rest of the items.

AMENDED deadlines 3/9/15:

grant the following deadlines for the orders issued on January 22, 2015:

- 1) grant until March 9, 2015 for a plan on the handrail to be submitted to DSI (Items #8 and #9);
- 2) grant until June 1, 2015 for guardrail (Item #2) and concrete stairs (Item #2);
- 3) grant until June 1, 2015 for the parking space issue (site plan to be submitted to Zoning);
- 4) grant until October 1, 2015 for garage repairs and painting (Item #1);
- 5) grant until March 13, 2015 for the rest of the items; and

WHEREAS, the Legislative Hearing Officer also recommends that the City Council grant the mattress and tires (Item #4) to be withdrawn on from the Fire Correction Order and transferred to Code Enforcement for a summary abatement order;

WHEREAS, the Legislative Hearing Officer also recommends that the City Council grant the fence issue (Item 1) and to be withdrawn from the Fire Correction Order because from Supervisor Neis's view of a street map, the fence goes all the way around the neighbor's property and not the Appellant;

**Referred to the City Council due back on 3/4/2015**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 37 [RLH VBR 15-9](#) Appeal of Sunday Olayinka for African Christian Fellowship to a Vacant Building Registration Notice at 756 JACKSON STREET.

**Sponsors:** Brendmoen

*Sunday Olayinka and Joseph Oredona, African Christian Fellowship of Minnesota Inc, appeared.*

*Vacant Building Registration fee appeal*

*Fire Inspector A. J. Neis:*

- *Revocation of Fire Certificate of Occupancy and Order to Vacate*
- *in 2012, the occupancy was changed to a church; they were given an extended amount of time to go thru the change or use, obtain permits, etc.; they did obtain the permits but the work has never been completed*
- *the status became Revoked in 2012 and was monitored by Inspector Migdahl*
- *Dec 2013, the building still had not been occupied; finally, he put it into an unoccupied status*
- *the file remained there for so long that his supervisor informed Inspector Migdahl to change the status to a Vacant Building and send it to the VB Program to monitor*

*Inspector Matt Dornfeld, Vacant Buildings:*

- *we opened a Category 2 VB based of the C of O Revocation*

- documented that the building was vacant, maintained
- still showing building and plumbing permits still open

Mr. Neis:

- permits pulled Oct 25, 2012: general repair permits and installation of handicapped approved bathroom; partial ramp; there has been no activity on the permits filed since Jun 2014; plumbing permit pulled in May 2014; there were issues with the building permit and so, the plumbing inspector could not final their permit
- looks like they are being held up by a permitting issue ("cannot final permit until fixtures correction needed for unventing the water heater")
- building inspector is Virgil Thomas; plumbing inspector is Carl Abrahamson

Mr. Olayinka:

- the building is very small; it's not dangerous; they meet only 2 hours three times a week
- the inspector came and instructed us to call only when all was ready
- then, they met the inspector there - everything was done except the carpeting; again, he said there are a few things not done and the carpeting isn't in; when all is done, call me
- we thought everything was all good; so one of them went to the city; they were told that the inspector was on vacation and by the way, you have an unoccupied building; but it's not occupied; we did not see a letter; how can we have an unoccupied building...
- we appealed
- the work is done; we are hoping the inspector will come
- they are waiting for someone to come who's not on leave
- in their mind, they are done

Mr. Oredona:

- thanked Ms. Moermond
- we pay our taxes and we do whatever we need to do; the work is done

Mr. Neis:

- Todd Sutter was the original inspector
- according to plumbing, they are good with their permit; they just won't final it until they get permission from the building inspector (correction on venting for water heater); there must be some issues with their water heater installation; but he approved the permit - not finalized; good chance that it's just the building permit that's being held up
- the final correction is required and "remove ramp at platform; add handrails to ramps; panic lighting and emergency hardware at exits; placards at bathrooms; (DONE)
- Virgil Thomas has been out on a long leave

Ms. Moermond:

- will call the building official, Mr. Ubl, still today, to see if he can shed some light on this
- recommended that the Appellants call Mr. Steve Ubl, 266-9021
- let's give this 90 days on this and waive the VB fee
- Waive the VB fee for 90 days.

**Referred to the City Council due back on 3/4/2015**

**38**     [RLH VBR 15-10](#)

Appeal of Garret Plumley to the requirement for a code compliance inspection at 1180 SELBY AVENUE.

**Sponsors:**     Thao

*Garret Plumley, Affordable Dreams Inc, owner, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

- *Originally Condemned by code enforcement inspector Mark Kaisersatt Nov 13, 2014 for a water shut-off*
- *Inspector Kalas opened a Cat 1 VB Nov 21, 2014; water was restored Nov 26, 2014; therefore, Inspector Kalas closed this Cat 1 VB file and Inspector Kaisersatt listed the Condemnation*
- *Feb 2, 2015 - code enf received a complaint that the property remained vacant and work was being done without permits*
- *Inspector Ken Eggers responded and documented that structural, plumbing, electrical, and other work was being done without permits; he stopped the work; posted Red Tag and stated that at least some walls would have to be opened to evaluate the work done; he recommended that a Cat 2 VB be opened*
- *Inspector Senty opened a Cat 2 VB Feb 3, 2015*
- *there is a TISH Report on file as of Nov 26, 2014; it documents numerous hazards*
- *in between the opening of the two VBs, they received a VB Registration form and a check for \$1440 from Yvonne Petigrue, Multisource Portfolio Solutions; he assumes that they have an ownership stake*

*Mr. Plumley:*

- *he owns Affordable Dreams Inc*
- *he bought the house Dec 26, 2014 with the understanding that this wasn't a Cat 2 VB; he came in to pull permits and was told that he didn't have to for the work that he was doing*
- *he was confused and was told to appeal by Reid Soley; he thought it was strange and thought he could appeal the Cat 2 status since it was already a VB in Nov because of a utility bill*

*Ms. Moermond:*

- *Ms. Petigrue is from Ocwen Loan Servicing*

*Mr. Plumley:*

- *he'd prefer that it be a Cat 1 so he can continue work; the process for a Cat 2 VB is very time consuming and spendy*
- *he is just changing fixtures*

*Mr. Dornfeld:*

- *TISH: disclosure statement*

*Ms. Moermond:*

- *thinking that they are calling it a Cat 2 this time because they could see what was going on in the inside of the house; previously, they were just evaluating from the exterior and water shut-off*

*Mr. Plumley:*

- *he wants to do things right; he wants to pull permits*

*Fire Inspector A. J. Neis:*

- *this would have never gone to the level of a Cat 2; the initial Cat 1 was because of utility shut-off; this became a Cat 2 VB because work was commencing without permits; if permits had been pulled by the Appellant right when he started the work, we would not be here right now; it's a Red Flag to any city inspector, especially to the building dept, for them to go out there and find work commencing without permits; the only way to know that work has been done correctly is to have a full code compliance inspection*



*Mr. Plumley:*

- *he got the wrong information*
- *he would like to pull the permits and get back to work*

*Ms. Moermond:*

- *under the circumstances, she thinks that a code compliance is appropriate; the inspector had "eyes on" the interior and made his/her determination*
  - *in the past, the inspector just saw the outside plus there was a water shut off; the exterior looked nice and it appeared to be taken care of*
  - *it was the unpermitted work that changed this to a Cat 2*
  - *code compliance inspection may take 3-4 weeks*
  - *permits need to be pulled for the items that need work according to the code compliance inspection*
- Deny the appeal.*

**Referred to the City Council due back on 3/4/2015**