



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, April 4, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 17-137](#) Ratifying the Appealed Special Tax Assessment for Property at 92-96 ARLINGTON AVENUE WEST. (File No. J1709A, Assessment No. 178510)

Sponsors: Brendmoen

Chris Higgins, property manager, Gallagher, for Dadders Estates LLC, appeared.

Supervisor Paula Seeley:

-Summary Abatement Order sent Dec 29, 2016; compliance Jan 2, 2017; rechecked Jan 3

-work done Jan 4, 2017 for a cost of \$160 + \$160 service charge = \$320

-no mail returned; no history

-sent to Dadders Estates LLC, 2559 7th St W, St. Paul; Sagstetter Properties, LLC, Attn: Mark Burns, 1280 Westminster St Apr #107, Saint Paul; and Occupant

Mr. Higgins:

-we never received the Notices

-I have a file in which I keep all of our SA's; I looked thru them and we don't have anything

-during the Jan 22-29 time period, there was a lot going on & the turn around time from the 29th to the 2nd is just too short

-we received 2 requests for salt removal by tenants in Jan for the property; those are the only Work Orders I could find for any of these properties and for the ones nearby that we also manage

VIDEO - Parks crew removed snow/ice from public sidewalk full width; salted & sanded; it was a very icy sidewalk

VIDEO - watched a 2nd time

Ms. Moermond:

-I see that only 1 side of this corner property was handled in the VIDEO

-what is Gallagher's policy in terms of proactively checking these things out?

Mr. Higgins:

-1 1/2 or 2 inches or more, we'll send people out; we provide all of our multi-unit properties with buckets of salt; we have a 3rd party company that provides snow

removal & salt for all of our multi-unit properties; all these addresses are on that list
-we got a request for snow removal twice during that month & both of those were completed work orders

Ms. Moermond:

-looking at Dec 2016 snowfall records, if the Order was sent on Dec 29, it was full 2 weeks earlier than the most recent snow fall happened; there was no accumulation of snow from Dec 18 on; on Dec 16, 5 inches of snow fell; on Dec 17, 1 inch of snow fell; so, that would have been a melt & freeze cycle from mid-month that we are looking at on Dec 29

-staff reported that mail was not returned but it was sent out
-the work was half done but the crew was dispatched

Mr. Higgins:

-going back to the beginning of Dec on my search, I have one request that was a completed work order on Dec 16, 2016

Ms. Moermond:

-I think they missed it based on what I just saw in the Video; I hope you didn't pay for it; talk to your contractor

Mr. Higgins:

-of course, we did

Supervisor Lisa Martin:

-Ms. Seeley & I pulled this up on GIZMO; it looks like one side has a sidewalk but the other side that has a bunch of snow accumulation does not have a sidewalk; only 1 side of this corner lot has a sidewalk

Ms. Moermond:

-but it is being used as a path; good to know; so, there is only 1 side with a sidewalk

Mr. Higgins:

-we never received this; we are extremely proactive when it come to reacting to abatement orders

Ms. Moermond:

-so, you have to get an abatement order in order to take care of something that is as routine as snow & ice indicates that you are not being proactive, only reactive

-5 inches of snow fell on Dec 16 plus another 1 inch on Dec 17

-will recommend approval of this assessment

Approve the assessment.

Referred to the City Council due back on 5/17/2017

2 [RLH TA 17-133](#)

Ratifying the Appealed Special Tax Assessment for Property at 39 ARUNDEL STREET. (File No. J1709A, Assessment No. 178510)

Sponsors: Thao

Ms. Mai Vang:

-the owner lives in Arizona; she sent an email (attached)

VIDEO - city crew removed snow/ice on one side of property; salted & sanded; the other side of this corner property had been recently shoveled & is clear; charging for salt & sand only on that side

Ms. Moermond:

*-this is a corner property; it was clear that on one side, the sidewalk was clear; on the Arundel side, there was 1-2 inches of built up snow/ice; looked very bumpy
-read the follow-up email from Nancy Schermer, silkroadcamel@hotmail.com (attached)*

-both sides of the property was not taken care of; the work was half done; the Arundel side was not done

-will reduce the assessment from \$240 to \$120 for a good faith effort

Reduce from \$240 to \$120.

Referred to the City Council due back on 5/17/2017

- 3** [RLH TA 17-146](#) Ratifying the Appealed Special Tax Assessment for Property at 1167 BRADLEY STREET. (File No. J1709A, Assessment No. 178510)

Sponsors: Brendmoen

Approve; no show.

Referred to the City Council due back on 5/17/2017

- 4** [RLH TA 17-125](#) Ratifying the Appealed Special Tax Assessment for Property at 123 COLORADO STREET EAST. (File No. VB1707, Assessment No. 178807)

Sponsors: Noecker

Rescheduled to April 18.

Laid Over to the Legislative Hearings due back on 4/18/2017

- 5** [RLH TA 17-134](#) Ratifying the Appealed Special Tax Assessment for Property at 914 CONWAY STREET. (File No. J1709A, Assessment No. 178510)

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 5/17/2017

- 6** [RLH TA 17-139](#) Ratifying the Appealed Special Tax Assessment for Property at 217 CRETIN AVENUE NORTH. (File No. 1703T, Assessment No. 179002)

Sponsors: Stark

Howard Cavasnik, owner and Theodore Cavasnik, father & property manager, appeared.

Inspector Carl Mueller, Forestry:

-tree removal

-24-inch diseased elm tree marked on Aug 24, 2016; Orders were sent that day; compliance date: Sep 22, 2016; rechecked Sep 23, 2016

-contractor completed the work on Oct 13, 2016 for a cost of \$1,116 + \$178.02 service charge = \$1,294.02

-no returned mail
-diseased tree growing right next to a boxelder tree

Mr. Theodore Cavasnik:

-the tree is on the alley (shared photos with Ms. Moermond); other side of alley is 2182 Dayton Ave
-when we received the Notice saying that the tree was going to be removed and it was on our property and we should get rid of it; we went back there and we felt that the tree was on their property; we didn't think that it was on our property; we have another property across the street, 2202 Marshall Ave
-there's a marker in the front; couldn't find the one in the back

Mr. Mueller:

-we did not get any calls on this

Mr. Howard Cavasnik:

-we left you guys voice mail on Sep 1, 2016; I also called personally 3 or 4 times and the person I spoke with told me that they would send a letter to the neighbors but then, the tree was just cut

Mr. Theodore Cavasnik:

-we didn't think the tree would be cut so quickly; we were getting bids on the trees literally across the alley; a 24-inch boxelder tree was \$850 on 1 bid and \$650 on another bid; so, we thought that we would take this tree down for between \$600-\$800; we didn't expect it to cost nearly \$1300; we were wondering what to do; we didn't think that it was on our property
-it would cost \$600 to survey

Mr. Mueller:

-I will talk to our office staff to see if there's any calls recorded and find out more about the property line
-explained how the pricing works for cutting down trees

Ms. Moermond:

-Carl will look into the property line & check on calls

Mr. Theodore Cavasnik:

-we own dozens of properties & have trees removed a lot; we've never been in here before; we do so many trees and we get cheaper prices than the City of St. Paul

Ms. Moermond:

-you brought up some good points; I need some time for investigation
-we will communicate via email
-I will get a report back from staff by Apr 25 LH

Recommendation is forthcoming. (Karl Mueller will reinspect property to determine location of the tree stump and the property line. He will report back to Legislative Hearing Officer by April 25)

4/12/17 F/U: Karl Mueller inspected the property and found the official property pin adjacent to the public sidewalk along Cretin Avenue but not at the back corner near the utility pole but from the property pin on Cretin Ave, it appears that the stump is on the property line. Based on this observation, Ms. Moermond is recommending that the assessment be reduced from \$1294.02 to \$647.

Referred to the City Council due back on 5/17/2017

- 7 [RLH TA 17-135](#) Ratifying the Appealed Special Tax Assessment for Property at 551 JENKS AVENUE. (File No. J1709A, Assessment No. 178510)
- Sponsors:** Brendmoen
- Bonnie Barlage,
- Supervisor Paula Seeley:
- Summary Abatement Order issued Jan 17; compliance Jan 23; re-checked Jan 23
 - work done Jan 24, 2107 for a cost of \$316 + \$160 service charge = \$476
 - no returned mail
 - sent to Occupant; CIG #254 LLC, 7308 Aspen Ln Ste 141, Brooklyn Park MN; and CNRE 2 LLC, 7308 Aspen Ln Ste 141, Brooklyn Park, MN
 - broken TV, one chair near fence off alley
- Ms. Barlage:
- we had a vacancy at the property at this time; the tenant had put these items by the dumpster area
 - we received the letter on the 19th; I contacted the caretaker to clear this stuff
- VIDEO - city crew removed broken TV, chair, wood near back fence & alley
- Ms. Barlage:
- my only question, "Is this the same stuff?"
- Ms. Moermond:
- the Jan 17th Order says, "Broken TV, wood, chair near fence of alley; looks very much as what is described in the Order
 - will recommend approval
- Approve the assessment.
- Referred to the City Council due back on 5/17/2017**
- 8 [RLH TA 17-144](#) Deleting the Appealed Special Tax Assessment for Property at 1884 MECHANIC AVENUE. (File No. J1709A, Assessment No. 178510)
- Sponsors:** Bostrom
- Fawn Vo, owner, appeared.
- Inspector Joe Yannarely:
- Summary Abatement Order issued Dec 22, 2016; compliance Dec 29; rechecked Dec 29
 - work done Jan 3, 2017 for a cost of \$270 + \$160 service charge = \$430
 - garbage/rubbish/mattress
- Ms. Vo:
- people dump garbage outside; this is the 3rd time
 - the first 2 times, I didn't know who to call so I got into my car and went to pick up all the garbage
 - I don't know who leaves it there; it happens at night
- Ms. Moermond:
- if you have electricity in the garage, you can install a camera & a motion detector light; that may be helpful

Ms. Vo:

-that's the next step that I'm going to take because they have broken into my garage, too

Supervisor Paula Seeley:

-there's an open file there right now

-on Mar 29, 2017, a Summary Abatement Order was sent for multiple car seats in rear yard in front of garage located in rear alley

-locate the camera & motion detector light on a pole near the alley; if you can get the license plate number, you can call SPPD

Ms. Moermond:

-there is garbage service here and it's not overflowing

-you have Waste Management so you can call them to pick up dumped materials; then call the city to let them know that you have asked your waste hauler to pick up the dumped items on a date certain; it'll be cheaper than what the city will charge

-if you do install a camera & a motion detector light, send me a picture via email within the next 6 weeks and I will recommend deleting this assessment

Delete the assessment provided owner installs camera and motion detector light to garage to prevent future dumping. (Legislative hearing officer is looking for evidence of the installations to be submitted.)

F/U: evidence was submitted and approved; therefore, the legislative hearing officer recommends deleting the assessment.

Referred to the City Council due back on 5/17/2017

- 9 [RLH TA 17-138](#) Deleting the Appealed Special Tax Assessment for Property at 1657 MINNEHAHA AVENUE EAST. (File No. J1707A, Assessment No. 178506)

Sponsors: Prince

Delete the assessment. Legislative hearing officer reviewed the video and the majority of the items described in the Summary Abatement Order were already cleaned up by the owner.

Referred to the City Council due back on 4/19/2017

- 10 [RLH TA 17-136](#) Ratifying the Appealed Special Tax Assessment for Property at 2137 MOHAWK AVENUE. (File No. J1709A, Assessment No. 178510)

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 5/17/2017

- 11 [RLH TA 17-132](#) Deleting the Appealed Special Tax Assessment for Property at 1626 PACIFIC STREET. (File No. J1709A, Assessment No. 178510)

Sponsors: Prince

Shway Thay, owner, appeared with her teenage daughter; they speak Karen.

A realtor also appeared who does not speak Karen.

We contacted a language (Karen) line interpreter to help with interpreting the hearing.

Inspector Paula Seeley:

-Summary Abatement Order issued Jan 6, 2017; compliance Jan 11; rechecked Jan 17

-work done Jan 19, 2017 for a cost of \$290 + \$160 service charge = \$450

-remove 2 mattresses from rear yard near garage & alley

-sent to Ta Err/Shway Thay and Occupant at 1626 Pacific St, St. Paul, MN

-no returned mail

Ms. Thay:

-the 2 mattresses are not mine; don't know who brought them there

-I don't know the regulations & I didn't know what to do

Ms. Moermond:

-asked to see the Video - looking for where the mattresses are

VIDEO - city crew shoveled out the mattresses & took them

-looks like the mattresses are half in the alley & half on the property

-what does Ms. Thay do when she needs an interpreter to help her manage mail from the city, etc?

Ms. Thay:

-we really don't know what to do; when I first saw the mattresses there, I went back & talked with my family; none of us knew what to do next; we knew that someone had played us; if we have to clean it, we will have to pay because it's on our property; the next morning, we didn't see them there any more

-I'm not very happy to have to pay for something I know nothing about

Ms. Moermond:

-wants Inspector Seeley to explain to the Appellant what she should do if she gets another Order in the future

Ms. Seeley:

-in the future, contact DSI, 266-8989; we have a language line that we can connect like we did here; the inspector will call you back thru the language line

Ms. Moermond:

-will recommend that the City Council delete this assessment; however, in the future, I will hold you accountable; take care of these things by calling the inspector at DSI

-this will be on City Council Public Hearing May 17, 2017

Delete the assessment, noting that owner needs to contact DSI for future order(s) if she needs them translated or otherwise doesn't understand them.

Referred to the City Council due back on 5/17/2017

12 [RLH TA 17-128](#)

Ratifying the Appealed Special Tax Assessment for Property at 575 PARK STREET. (File No. VB1706, Assessment No. 178806)

Sponsors: Thao

Reduce from \$2240 to \$2085 (delete admin fee of \$155).

Check was not processed in a timely fashion at DSI. Vacant building fee payment was recorded, but admin fee for being late was charged.

Referred to the City Council due back on 4/19/2017

- 13 [RLH TA 17-117](#) Deleting the Appealed Special Tax Assessment for Property at 2011 PORTLAND AVENUE. (File No. J1706E, Assessment No. 178305)
- Sponsors:** Stark
- Delete the assessment; excessive consumption letter was not generated.*
- Referred to the City Council due back on 4/19/2017**
- 14 [RLH TA 17-142](#) Ratifying the Appealed Special Tax Assessment for Property at 1271 SEMINARY AVENUE. (File No. J1709A, Assessment No. 178510)
- Sponsors:** Stark
- Approve; no show.*
- Referred to the City Council due back on 5/17/2017**
- 15 [RLH TA 17-145](#) Ratifying the Appealed Special Tax Assessment for Property at 744 SIMON AVENUE. (File No. J1707G, Assessment No. 178707) (Public hearing to be continued to October 4)
- Sponsors:** Brendmoen
- Chris Higgins, property manager, Gallagher, for Dadders Estates LLC, appeared.*
- Inspector Joe Yannarely:*
- garbage hauling assessment for \$100 + \$160 service charge = \$260*
 - city found overflowing garbage containers on Jan 19, 2017 and sent garbage hauler Orders with a compliance date of Jan 23; rechecked Jan 23 & found in noncompliance; so, the city started garbage hauling service which ended on Jan 30, 2017 with a note that the property had been cleaned up; property owner has garbage hauling service with Waste Management; have city containers removed*
- Mr. Higgins:*
- we closed on this property in Jan 2017 shortly after the first*
- Ms. Moermond:*
- the letters (Jan 19 Order to provide garbage service & Jan 24 saying we haven't heard from you so, the city is delivering the cans) are addressed to Dadders Estates LLC indicating that work needs to be done*
- Supervisor Paula Seeley:*
- doesn't see any history but there are 6 addresses that fall under this property (apartment bldg)*
- Mr. Higgins:*
- the previous cans were pulled & we did start garbage hauling service; I think that the owner was just asking for a little more time (3rd party service)*
- Ms. Moermond:*
- calling the inspector would have been fine for this*
- Mr. Higgins:*
- we would have called had we gotten the Notice*
 - I did see an email from one of my employees requesting from Walters to determine*

*the update, so I know that they were actively pursuing service for the residents
-lockbox, garbage service, etc - all part of a check list we use after we close on a
property*

Mr. Yannarely:

*-a Summary Abatement Order was issued for cleanup at the same time that the
garbage hauler letter was issued...
-the cleanup was done by owner*

Ms. Moermond:

*-so, there was a cleanup that needed to happen, which precipitated the hauler Work
Order*

Supervisor Paula Seeley:

*-Inspector Smith just sent a Summary Abatement Order for rubbish (discarded
furniture, household items) on Mar 23, 2017; no photo; he EC'd on it Mar 30; it was
taken care of*

Mr. Higgins:

*-you guys took action but so did we; we are addressing anything that comes to us
from the city very proactively; we don't wait; I create work orders as soon as I get
assessments or get phone calls, etc.*

Ms. Moermond:

*-I don't know why your property management company isn't identifying these things
and the city is functioning as your property manager*

Mr. Higgins:

*-I think that's an unfair statement; remember, I'm at the mercy of a 3rd party company
that does some of these things for us*

Ms. Moermond:

-but that's the way you choose to operate

Mr. Higgins:

*-I don't have a garbage hauling company underneath housing hub; if I did, I'd have
those garbage cans delivered the same day*

Ms. Moermond:

*-if there are no same or similar violations between now & Oct 4, 2017, I will delete this
assessment; if there is a same/similar violation(s), I will recommend approval*

*Public hearing to continue to October 4, and if no same or similar violation(s),
excluding the March 23rd complaint, will delete the assessment.*

Referred to the City Council due back on 5/17/2017

16 [RLH TA 17-140](#)

Ratifying the Appealed Special Tax Assessment for Property at 1004
SIMS AVENUE. (File No. 1703T, Assessment No. 179002)

Sponsors: Bostrom

Approve; no show.

Referred to the City Council due back on 5/17/2017

- 17 [RLH TA 17-143](#) Ratifying the Appealed Special Tax Assessment for Property at 303 TOPPING STREET. (File No. J1709A, Assessment No. 178510) (Public hearing to be continued to October 4)

Sponsors: Thao

Eng Tat Ng, owner, appeared.

Inspector Joe Yannarely:

-Summary Abatement Order issued Jan 19, 2017; compliance Jan 25; rechecked Jan 26

-work done Jan 30 for a cost of \$316 + \$160 = \$476

-garbage & rubbish

VIDEO - city crew removed rubbish, scattered litter, wood, debris, etc.

Mr. Ng:

-I told the tenant to remove it and he said that he would do it but he didn't

-I called the inspector on Fri & told him that I would take care of the problem by Mon; the inspector said, "No"

-I went to get my trailer on Sun & I took everything out except for the stuff that was frozen; I got a lot of stuff out & my trailer was full but some wood was left on the bottom - the wood that was frozen into the ground; I left a message for the inspector that I could not get all of the wood loose from the ice; he didn't call me back

Ms. Moermond:

-was that wood & material related to the fire?

Mr. Ng:

-yea; the fire was self-contained in the kitchen; shingles were affected & I threw them away a long time ago

-after the fire, the tenants moved out; no one is in the house now; there's no kitchen; the tenant had a lot of stuff there so, I told him to get it out or I would take him to court; so, he moved out but he left a lot there - a mess - I put that stuff into the garage; the wood was his; he was going to do something with

Mr. Yannarely:

-when Inspector Kalis issued the Orders, there was a larger amount of wood/stuff there; he went back to check, sent a Work Order; got the call & I think he said, "If Parks doesn't do an abatement there, I won't give you an EC"

Ms. Moermond:

-I think that you have made a substantial effort

VIDEO again - crew removed the wood, debris, garbage between the garage & the fence

-you know that it's your property; it's your responsibility

Mr. Ng:

-I did 95% of the work; I was shocked to get an assessment of \$476; that's a lot of money

Ms. Moermond:

-you did get a little bit of extra time that you were asking for; you did do a lot of the work; I would have put salt on it to loosen up the rest

-asked about the history

Supervisor Paula Seeley:

-there's no history; there have been no problems

Ms. Moermond:

-if no same/similar violation between now & Oct 4, 1017, I will cut the assessment in half

Public hearing to continue to October 4 and if no same or similar violation(s), will reduce from \$476 to \$238.

Referred to the City Council due back on 5/17/2017

18 [RLH TA 17-131](#)

Ratifying the Appealed Special Tax Assessment for Property at 953 WILSON AVENUE. (File No. J1707A, Assessment No. 178506)

Sponsors: Prince

Supervisor Paula Seeley:

-suggested that this assessment for clean-up be deleted because they cannot find the VIDEO.

Ms. Moermond:

-will recommend deletion

Delete the assessment; No VIDEO.

Referred to the City Council due back on 4/19/2017

19 [RLH TA 17-149](#)

Ratifying the Appealed Special Tax Assessment for Property at 1457 CHARLES AVENUE. (File No. J1709A, Assessment No. 178510)

Sponsors: Stark

Mark Simon appeared on behalf of Norman Meissner; Mr. Simon is Mr. Meissner's nephew & Power of Attorney; Mr. Meissner is currently in assisted living; Mr. Simon is looking for a break for someone who's come on hard times

Supervisor Paula Seeley:

-Snow Order was issued Jan 5, 2017; compliance Jan 8; rechecked Jan 9

-city crew did the work on Jan 9 for a cost of \$160 + \$160 service charge = \$320

VIDEO -corner lot; city crew removed snow/ice; salted & sanded

Mr. Simon:

-they've been doing most of the work themselves; sometimes they pay someone to shovel the sidewalk but they didn't get to it this last snow fall; I don't dispute this; however, his money situation is not good

-we are just walking away from the property; it's going back to the reverse mortgage company; at some point they will be taking over for payments but I think that we are still liable for property tax, utilities, etc.

-the money that's left is being kept for his care or whatever bills are going to pop up in the near future

Ms. Moermond:

-I'm confused about the reverse mortgage thing; that's an annuity - he would be getting the equity out of the house; so, how did he get to the point where they're taking it; is the equity all gone, now?

Mr. Simon:

-the equity is gone; he got \$110,000 back in 2011, which accrued interest and so is up to about \$150,000

-he can stay in the house until he dies or until he wants to vacate; he is in assisted living now

-we are not going to sell the property ourselves; there's too much involved, so we are just going to walk away; that's where the reverse mortgage takes over; they sell it and get the interest accrued based on market value

-I'm not sure if Norm has to pay the difference between the market value and the accrued interest

-basically, the house now belongs to the reverse mortgage company

Ms. Moermond:

-they may want him to pay the property taxes but it's really common at this juncture when people are in foreclosure to not pay the property taxes knowing that the financial institution is going back to them

Mr. Simon:

-they are waiting for us to get all of his stuff out of the house so that they can come in & sell it themselves to get their money out of it

-he has early dementia and is in long-term care now

-it's time to wrap up the house and we're just looking for a break

Ms. Moermond:

-this assessment would be put onto the 2018 taxes and he could be well out it by then; the property might be sold by 2018

Mr. Simon:

-his mail is coming to me now; I've forwarded it

Ms. Moermond:

-you could call Ramsey Co Tax Office & tell them that you have Power of Attorney & then you could get those records if anything comes up

Mr. Simon:

-he used to own Apollo Locksmith & his house was basically, his office

-I'm in the process of decluttering/cleaning it out

-no one lives there; it's a duplex and the upstairs is completely empty

-I will need to clean out the main floor & the basement; he was very disorganized with his record keeping

Ms. Moermond:

-this will go to City Council May 17 for them to consider it for the 2018 property taxes; then, you'll get a letter/invoice within a couple of weeks saying that you can either pay this invoice or you can not pay it & it will go onto the taxes

Mr. Simon:

-I told the reverse mortgage company that I'd have the house cleaned out by the end of Apr; I'm out of work right now so, I have some time to spend doing that; I have places to bring the furniture to recycle

-Mr. Meissner has no children and was never married; so, I'm next in line

Ms. Moermond:

-I will let this go through; the work was done by the city

-Ms. Lisa Martin is the supervisor for the western half of the city for code enforcement; if things come up, she can be of assistance to you

Approve the assessment.

Referred to the City Council due back on 5/17/2017

Special Tax Assessments - ROLLS

- 20 [RLH AR 17-29](#) Ratifying the assessments for Boarding and/or Securing services during December 2016. (File No. J1707B, Assessment No. 178106)
Sponsors: Stark
Referred to the City Council due back on 5/17/2017
- 21 [RLH AR 17-30](#) Ratifying the assessments for Property Clean Up services during January 3 to 31, 2017. (File No. J1709A, Assessment No. 178510)
Sponsors: Stark
Referred to the City Council due back on 5/17/2017
- 22 [RLH AR 17-31](#) Ratifying the assessments for Trash Hauling services during January 3 to 24, 2017. (File No. J1707G, Assessment No. 178707)
Sponsors: Stark
Referred to the City Council due back on 5/17/2017
- 23 [RLH AR 17-32](#) Ratifying the assessments for Tree Removal services from October to December 2016. (File No. 1703T, Assessment No. 179002)
Sponsors: Stark
Referred to the City Council due back on 5/17/2017

11:00 a.m. Hearings

Summary Abatement Orders

- 24 [RLH SAO 17-15](#) Appeal of Nan Bruno to a Vehicle Abatement Order at 870 LAFOND AVENUE.
Sponsors: Thao
Appeal withdrawn. Inspector Sean Westenhofer gave extension to bring the vehicle into compliance.
Withdrawn

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

25 [RLH VO 17-6](#)

Appeal of Trent Miller to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1188 EARL STREET.

Sponsors: Bostrom

Trent Miller, Appellant & Occupant, appeared along with Stanley Wu, the landlord's son and Mr. Shonson, a friend of the occupants of the house.

Fire Supervisor Leanna Shaff:

*-Fire Certificate of Occupancy Revocation / Order to Vacate
-the current owners, Susie Wu & Yan Yun Zhou, took possession at the end of Dec 2016; since then, there have been 19 calls for service with SPPD
-the city's record starts on Dec 2, 2016 with trash, snow, garbage, it's currently on the city's garbage service
-Fire Inspection was made aware of this property through code enforcement Inspector Paula Seeley
-she found out that the property does not have a Fire Certificate of Occupancy
-the neighborhood is concerned about over-occupancy; many people coming & going; the garbage issue
-the property owner, Susie Wu, had told Officer Chris Hanson that she resides at the property*

Ms. Moermond:

-Susie Wu and Yan Yun Zhou are listed as owners

Ms. Shaff:

*-Insp Brown went out to inspect in early Feb on a complaint of over-occupancy & no Fire C of O; he found that the house has no smoke detectors; and in going back the next day, he found people sleeping in the basement
-I talked with a Connor, who is the sole person on the lease; my concern was a lot of nuisance & police behavior; we counseled with Connor, who does not sleep there any more because he's afraid of other people in the residence; others are hanging out there & sleeping there
-in early Feb, I counseled the owner, that since the house didn't have a C of O, there were a number of things she needed to do in order to be a landlord; she did apply for a Fire C of O inspection
-from SPPD, we learned that this is the place to party on the East Side, typically Fri & Sat between the hours of 1 am - 5 am; in talking with those who reside at the residence, they don't seem to know who the people are who are partying there; apparently, random people show up
-again last week, we had an over-occupancy complaint; upon inspection, we found people sleeping in the basement (photos); I gave them until Fri to broom clean the basement; on Fri, Insp Brown was not able to gain access; later he was given access and found that nothing had been removed from the basement; when I went back with SPPD yesterday, the basement was still not taken care of and I found other issues
-Mr. Miller tells me that he, along with SPPD served emergency eviction papers on Connor
-we made it clear what our Orders were last Fri*

Mr. Miller:

-I am sort of acting as the property manager because of Connor

Ms. Shaff:

-the property owner's son, Stanley Wu, is here this morning; I'm sure you'd like to hear his testimony also; the owner has said that she wants everyone out; she said that she gave Connor notice to be out by the end of the month; he was no where to

be found at the inspection yesterday
-it's confusing; it's a very fluid situation
-SPPD says that 1188 Earl St was opened as an East District problem property on Mar 17, 2017 for the following reasons: 1) complaints about a weekend parties that disturb the neighborhood; 2) disturbance calls; narcotic calls; 3) loud music, lots of people at parties;
-while I was there, I noticed a lot of baggies and a small blow torch type lighter
-also, there's a fence/incident report from Mar 6, 2017 that a vehicle had all 4 tires slashed sometime over night
-when I was there yesterday, I consulted with City Attorney Theres Skarda; since then, we have denied the Fire C of Occupancy because it was given on a provisional basis and we can't have continual life safety issues come up at inspections

Ms. Moermond:

-you describes a lot of nuisance behaviors; Chap 40 Legislative Code allows you to pursue Revocation of the Certificate based on these behaviors; it's not in the Orders here; have you looked at that?

Ms. Shaff:

-yes; typically, those are going to result from narcotics; we don't have a police report where possible arrests were made; there's not a solid case; this is an on-going case typically, revolving around narcotics, weapons, sale of alcohol; prostitution or gambling under state statute 617.80 and until we have a police report that gives us cause for that.....

Ms. Moermond:

-under this section of city code and that piece of state law, the property could be closed down based on nuisance behaviors but this is still an on-going investigation
-asked Mr. Miller who he is in relation to the property & why he is appealing

Mr. Miller:

-I was brought into the property because my father was the original co-signer for my nephew on our lease; Connor is not related to us; and when I moved in, Connor was not there; it was just my nephews; I didn't know what kind of transition they were in; my nephews dad (my brother) advised me that they were having some problems; so, I decided to move my paralegal office into the basement; I also do music
-there was never any bedrooms in the basement but I did have an air mattress in my office
-Jontaye didn't pay the trash bill so a month had lapsed; by the time they arrived to inspect for the trash, we had already taken care of it; so, there was no trash outside; when they came into the house, they saw a bunch of teenagers there; the kids were not aware of the law
-at the time, I was asleep in my office; Inspector Shaff & others came down talking about the code violations; so, I asked her what code she was speaking off and not one of the inspectors could show me the code; so, I went on my lap top & brought up the code and I asked again, "Where in this code does it say that no one can sleep in the basement?" One of the younger inspectors was supposed to go out into his car & get a copy of the code but before that, they took all the fire detectors off the wall and put them on the table; we went outside and all of the inspectors were gone, leaving the smoke detectors on the living room table
-the next day, they show up in the morning with the Gang Task Force; they came directly down to my office, I think, in an effort to intimidate me because they still didn't tell me about any codes; they said that they were there to check on the trash but there was no trash outside; so, that's when all this extra stuff started to come in; she started talking about there being too many people in the house; she said that we can't

have beds in the basement, I understood that so, I immediately took out the air mattress; there were no beds set up; it was clearly an office, my office; my bedroom is upstairs

Ms. Moermond:

-early on, you talked about having nephews previously having lease to the property
-currently, Connor has a lease
-legally, how did you end up here?
-how is it that you're not a squatter?

Mr. Miller:

-my nephews had the lease and we all had paid Jontaye; Jontaye had a separate lease; his lease was expiring so, he collected everyone's money for rent, including Connor but Jontaye bailed out leaving us with \$2200; the owner was going to kick everyone out; they came up with a new lease but there would be no more than 4 occupants that lived there; Connor did pretty much the same thing as Jontaye; he collected rent and he never paid so, we are \$2200 in debt with the owner; so his lease agreement was that he would pay all the utilities owed & also \$1400 deposit by the first of the month, which he did not; but we didn't know that he didn't pay the bills; the landlord came over and told us that Connor didn't pay anything; she showed me the agreement that they had; so his lease was voided; his conditions were not fulfilled
-I was instructed by the landlord that in order to get a new lease, we'd have to pay up the utilities bills that were left and Connor would have to be served with the eviction notice; SPPD came & removed him from the property
-as far as the partying, I'm 40 years and I don't party with kids but I was aware of their partying and that was part of the reason why I moved to the address to try to clean this stuff up & to have a place for my office
-the police were called a few times: slashed tires and there were some young kids there; they are not there any more; we can have only 4 people there, one of the conditions that I worked out with the landlord; also cleaning up all the trash that had been collecting; they hadn't paid the trash service; Jontaye was pocketing the money & Connor did the same thing
-I think there was a personal crusade between me and the inspector; her officers took down all the smoke detectors and put them on the table

Ms. Moermond:

-I heard that the batteries weren't functioning in the smoke detectors; so, that's a very objective thing to check the smoke detectors to see if they are operational

Mr. Miller:

-if that was her concern, why would they take them off the wall & then leave for a whole 24 hours if the smoke detectors were so important? Wouldn't that be a fire hazard?

Ms. Moermond:

-sounds like you had a fire hazard to begin with if they're not working

Pause

Ms. Shaff:

-that was Inspector Pettiford with Inspector Brown; and all of the smoke detectors were not functioning and Connor fixed them in our presence because they weren't all correct
-I'd also like to state that the Gang Task Force did not accompany me; it was the FORCE officer
-the reason I was there (cannot understand Ms. Shaff).... noting Mr. Miller

had been getting pretty heated at the first inspection

Mr. Miller:

-and by "heated," I was asking them to state/show the statute and tell me what statutes were violated

-I had given Connor money to go to Menards to buy CO detector; he didn't fix anything in Ms. Shaff's presence; I was there for every inspection; when they came in, they came directly down the steps into my office where they knew that I was; and I had fallen asleep at my desk

Ms. Moermond:

-it's a sleeping room if you're sleeping in it; & there are specific codes about having egress & smoke/CO detectors in proximity to sleeping areas

-asked Ms. Shaff whether the owner was present for any of these inspections

Ms. Shaff:

-yes, one of the property owners, Yan Yun Zhou, was present for the inspection Yan Yun has the Chow Mein shop across the street; her son, Stanley, is here

Mr. Miller:

-wants to address a few of the things Ms. Shaff has said

-I addressed the trash and the smoke detectors

-about the police being called there; I never heard any complaints; I am familiar with my neighbors and the East Side; I talked to my neighbors about what had happened before I moved in; that was Jan 2017

-I saw the list of police calls; they were pretty random; she talked about narcotics; no one was ever arrested at the property; I've had to call SPPD a couple of times to get people out of the house; most of that party stuff was from Connor; and since then, all those who had lived there have been removed; Jontaye ran off & Connor's lease was voided; no one has a lease right now

-I & 2 other families are left holding the bag for rent & utilities

-the landlord is willing to work things out if we were to bring things up to code; and we are trying to do that

-our next fire inspection was scheduled for Apr 13; why they were at our house that Fri, I don't know

Ms. Shaff:

-there was a Fire C of O inspection scheduled for Apr 13; however, we had received another complaint for over-occupancy & we had to respond; there were also calls from service from SPPD

-we haven't inspected the entire bldg

Ms. Moermond:

-when over-occupancy is founded, the standard practice would be to Order the number of people in the house be decreased and then a set number of days would be given for that to happen; people would not be carried/kicked out immediately -a letter regarding the violations, code citations, etc. gets sent to the owner/responsible party

Mr. Miller:

-the owner doesn't speak very good English; she doesn't translate well and I think that's part of the reason why Connor was able to get things over on her; on many occasions, I've heard Connor speaking disrespectfully to her, kind of in a threatening way; and she is not aware of the codes & the law on this

-living at the house are Timmy Fagerty, his girlfriend and her mom (she's in the hospital now; she has mental health issues; that's why SPPD were called last week;

she had an episode and they had to come to take her to the hospital - that was the incident where the police were called); Marcus English, his girlfriend & their baby; & I

Ms. Moermond:

-according to the Zoning Code, this house is over-occupied right now (5 people plus a child)

-what are you looking for today?

Mr. Miller:

-we paid money to stay there; he ripped us on the rent; now, we have the issue of inspections; I'm just trying to get it so we won't be homeless, in a nutshell; and the owner is going to be in Hong Kong for a while; I'm just trying to not be homeless; we paid money; and I don't have any place to go with my stuff

Mr. Stanley Wu:

-I'm Susie Wu's brother; my mother is Yan Yun Zhou, the owner

-mom doesn't understand much English and she owns the business

-I was just recently brought aware of this entire situation; I was aware that my mother purchased a house just across the street from our restaurant in Nov-Dec 2016; I just got back in Jan; I did go to the property yesterday and saw first hand exactly what was going on: I met, initially, with about 3 people, 2 of which live there & a Sydney and his girlfriend; I really don't know who any of the people in the house are; just met yesterday; I helped mom revise the lease back in Jan; to my knowledge, it was signed by 2 people: a Bill, a friend of my mother's and Connor; Bill (retired) was the one who originally signed and found people to live there; Bill just wanted to use the garage to put his car into; he was not going to reside there

-I don't think I saw a lease for Jontaye Miller

-1 bedroom was occupied by Sydney & his girlfriend; the other bedroom was unoccupied; there was junk lying on the floor; upstairs, there were beds: one side of a room was a bedroom; the other side a cubby hole with clothes; there were children in the house; I believe there was a father & another woman in the kitchen and 2 people in the living room

-the main room in the basement had 2 couches, scattered material; in Trent's office there was material in the corner, some closet space with no clothes; I didn't see any sleeping apparatus, at all; no air bed; no couches, etc.

Mr. Miller:

-I sleep in a room upstairs; in the alcove, there's a bed left by previous people; Marcus sleeps in the living room; he is still there

Mr. Wu:

-there was indeed, a lot of clutter, especially in the living room

-I do hear that there are police reports; and I did notice that a lot of people were there on weekends (I live just down the block from the property); I didn't think anything of it

Ms. Moermond:

-asked to see the log of police calls; there were 21 calls in 2016

-I see a situation that's not being managed

Mr. Wu:

-what Trent said earlier, my mom complained constantly about Connor (lying, postponing, excuses); I was living at home but traveling a lot; I agree that it's not good management; she was far too lenient; she would like to fix all of the fire issues and keep renting her house to these tenants (or maybe not); she does want a rental income; she did get March rent but not yet April; she received Feb utilities but not yet Mar; everything is getting current slowly

Mr. Miller:

-everything is coming together; now, that Mr. Wu is taking more control, things are working better; we have more interaction

Mr. Shonson:

-I'm friends with the people who are there and in the beginning, things were very chaotic; Uncle (Mr. Miller) helps to keep order in the house; it was terrible before; now, when I go there, it's much better; they all have financial problems; they are all struggling, financially; now, all we want to do is fix the house

Ms. Moermond:

-is your mom relying on Mr. Miller to do the repairs?

Mr. Wu:

-I don't think so; we hired a professional plumber to fix the leak in the basement
-Bill is still renting the garage; he has made payments

Ms. Moermond:

-it's not legal to rent out a garage

Ms. Shaff:

-it sounds to me like this is an ever changing rooming house
-there are more Orders: plumbing, etc.

Ms. Moermond:

-from the way you've heard it described, are you saying that it meets the definition of a boarding house?

Ms. Shaff:

-yes; for which there is no license or approval
-and, it's still on city garbage service; it's clearly not being managed

Ms. Moermond:

-the police issues are distinct issues; it does influence how neighbors would perceive the property and the likelihood that they would call & complain about things that are related to the Fire C of O; nbrs' patience gets very thin
-it doesn't sound to me as though the instruction not to sleep in the basement was complied with; that's the landlord's responsibility; emissions from the furnace & water heater make that a problem; lack of an egress window make that a problem; plus, lack of smoke/CO detectors and low ceiling height; it's a very grave situation
-the number of people in the house doesn't sound great
-no one there is on a lease & there's a lot of shinagins at all hours
-there have been enough violations of the Legislative Code, Chap 34 & 40, to cause the city not to issue a C of O to this property; they have a right to do that
-Mr. Wu, your mom is going to have to learn how to manage a rental property if she wants to be a landlord
-asked Ms. Shaff if she could have a revised set of Orders to her by tomorrow; also send it to the Wu's
-asked people present to write down their emails

Ms. Shaff:

-yes

Ms. Moermond:

-this property is set for an Apr 6 Vacate date; I will let it go to an Apr 9 Vacate date (a

temporary decision that Council can change when they review it at their public hearing on Apr 19; the Revised Orders are the ones that we'll put in front of City Council; we will see you on Apr 19... or not

-on Mon Apr 10, the place will not have any occupants in it; you, the owner, can be there from 8 am to 8 pm to work on the property (clean it; work on it; do what you need to do)

-at this juncture, it's very common to see people, who were previous occupants of the property to break into the property at night and so, I'm giving a little extra time so that people are less likely to do that

-Apr 19 is the next step at the City Council Public Hearing;

-you will need to get a Fire C of O in order to rent it again; you will need to call a fire inspector and have him do an inspection; they will create a list of things that need to be done, if anything, to make it a rentable property again; those things will include: a landlord 101 class; an affidavit that you've made sure that the smoke/CO detectors are operable; unapproved dryer vents; unapproved living spaces; lack of egress window; electrical/plumbing items, etc.

-after you get your Certificate of Occupancy, you can rent the property

-Ms. Shaff, I need you to go out on Mon to make sure that this property has been vacated; get the Revised Orders out tomorrow

Ms. Shaff:

-asked Mr. Wu if he'd be available to accompany her on Mon

Mr. Miller:

-what are we supposed to do? Now, we're homeless; & we are out of money now

Ms. Moermond:

-I would start looking; you can't rent an apartment or a house without a Fire C of O

-this is not a permanent situation with this house; the landlord needs to get a Fire C of O

-you're stuck; you got ripped off; I get that; you have to find somewhere else to be in the interim; there are resources out there; I need to look at the law

-4 unrelated adults can live there according to the Zoning code

Deny the appeal and grant to April 9 for tenant(s) to vacate the property. Property owner can only be at the property from 8 a.m. to 8 p.m. to make repairs and clean out the property. Revised order will be added to this appeal.

Referred to the City Council due back on 4/19/2017

26 [RLH VO 17-7](#)

Appeal of Lorraine Coroni to a Condemnation and Order to Vacate at 1260 WESTMINSTER STREET.

Sponsors: Brendmoen

Lorraine Coroni, Appellant & Occupant; and Ed Strecker, owner, appeared.

Fire Supervisor Leanna Shaff:

-Fire Certificate of Occupancy Notice of Condemnation/Unfit for human habitation/Order to Vacate by Inspector Daniel Klein, provisional Fire C of O inspectors

-11 Orders including the Condemnation

-insp notes: the home is Condemned due to a strong urine & ammonia smell; photos-lots of clutter

-insp notes on 3-27-17: I was met by property owner at the property; tenant would not allow access; after about 10 minutes of the owner talking with tenant through the door, she allowed access; the very strong smell of ammonia was overpowering when

she opened the door; we came upon 4 dogs when entering the living room area; as I walked thru the house, the urine, feces & ammonia smell grew even stronger; on the 2nd floor, it was almost impossible to breathe; the owner had to go downstairs at one point to catch his breath; I called & spoke to Ms. Shaff on the phone to describe the situation; I forwarded my photos to her; she called me back & spoke with the property owner; as she was speaking with the property owner, the tenant stated that the pets used the interior of the house to urinate just as much as they used the outside; the tenant also stated several times to me & the property owner that she could not smell what we were talking about; at that point, I directed him - 10 days for the Condemnation

Ms. Moermond:

-there were 4 dogs; I don't see a dog order; 3 dogs are the maximum allowed
-did you provide any resources to the tenant?

Ms. Shaff:

-I can't answer for Inspector Klein

Ms. Coroni:

-first of all, the inspector came early; I asked him to wait
-a lot of the comments made by the inspector are not true; there is no smell; the carpet was freshly washed; we have kennels outside; they go outside to urinate; I think that most dog owners have to keep up with washing carpets, which we do; we wash it once a week and we have it professionally cleaned once a month
-I live here with my mom, my 22 year old brother, Michael; my sister was staying there but she left the night before to stay in a motel and she took about \$700 of my money that I was going to use for repairs & carpet washing; so we just used our carpet washer; the inspector didn't say anything about the smell of urine or feces as he was walking into the living room or the bedrooms on the main floor or the basement; he went upstairs & in one bedroom, the carpet needed cleaning; we also had brand new replacement carpet, not yet installed; we've already spent \$450 on flooring not yet installed
-it's disturbing that the inspector would have to make up lies about things that I had said; I never said that the dogs urinate inside; I feel like that fire inspector was discriminating; he was biased; I don't want to live there; I want to live somewhere else; I need time until the middle of May to move

Ms. Moermond:

-I see that there is a lot of clutter & some garbage bags

Ms. Coroni:

-that's not clutter; that was carpeting tiles that we removed; laminate was going to be put in but if we have to move.

Mr. Strecker:

-I agree with everything that Inspector Dan said; there is a strong smell right when you walk in and there are stains on the carpet; you can't get by the smell; I wouldn't even go back there to work upstairs; the smell is so bad
-I have the old carpet in the back of my truck right now that they had taken outside- that they were going to replace

Ms. Coroni:

-I disagree with his comments; the carpet was freshly washed; there was no feces; I think that he might just be interested in keeping the security deposit; I don't feel like he's on our side; there was no strong smell; our family has been there everyday; and we've had guests; there's no strong smell of anything

-when we moved in, there were problems with the toilet; there was a flood in the basement; they had to have a plumber come in & clear the system; it was not our problem; the carpet tiles have been removed from the basement

-we've lived there since Jul 2015

-we have fences to keep the dogs away from the carpet & prevent them from going upstairs

-there was 1 extra dog for a while; my sister had a divorce & couldn't keep it

-there's no strong smell like what they're saying

Ms. Moermond:

-you're living there & you're not smelling it; they are coming in from the outside & they do smell it

Ms. Coroni:

-I also go out for walks & come in & I don't smell anything; it's just not true

-because of the accusation, I will replace the carpet

-my brother graduated from Cordon Blue & has 2 jobs; my mom is retired; she has a personal trust with US Bank that pays the rent & utilities; I have worked but right now, I go to college; I'm studying nursing & I help to take care of mom

Ms. Moermond:

-it seems like you're really struggling with this & your situation

Ms. Coroni:

-we're clean, decent people; we don't party; we don't drink; we know how to keep house

-right now, we have 3 dogs

Ms. Moermond:

-so, this was the first inspection after the provisional

-asked the landlord if had known about the smell

Mr. Strecker:

-yes, a few months ago I came in with an appraiser and there were about 9 small poodles there

-I've been working with her to try to get things cleaned up & they're struggling a little with it; I have no problem giving them more time if they need it but it's all up to the Fire Marshal

-I can't go upstairs and clean that room; it smells so bad; I'd have to wait until they moved out to start the repairs

-I own 22 properties in Saint Paul & I've never run across a situation like this where the smell is so bad; I believe that she doesn't smell it but there is a smell there

-I have nothing against her & her family; I'm willing to work something out; & I'm not after their double damage deposit; that's just what we do; if they left the property now, that wouldn't even come close to covering the cost of what it's going to take to fix it

Ms. Shaff:

-unfortunately, when a bldg is saturated with urine, it doesn't help to just replace floor coverings or clean it; it's a health issue now until the issue is abated

Ms. Coroni:

-there was a litter of puppies last week that we got rid of

Mr. Strecker:

-I think that she's right; when we went in there with the Fire Inspector Klein, we just noticed 4 dogs but I think the other ones did the damage already

Ms. Coroni:

-they didn't do damage; they were fenced into the kitchen area
-and I disagree with Ms. Shaff; the house is not saturated anywhere; that is not the case
-it's not true that there's feces everywhere

Mr. Strecker:

-the main level might not be as bad; it's just the upper level that's

Ms. Moermond:

-I see stains on the carpet; it's hard for me to tell what they're from
-I see that things are kind of torn up here
-you mentioned that there's a place open in mid-May; I'm not thrilled about letting you go all the way to mid-May; I will allow you to continue to be there to the end of Apr; so, you'll need a May lease some place else
-I think that it's the case that you're not smelling it any more; the fire inspectors are there to see that you're living in a safe & livable space; and ammonia in the air is not a healthy condition; I'm hearing from 2 really different parties; your landlord is right, if there is urine, it costs a lot more to clean it up than what your security deposit amounts to; the fire inspector has nothing to win or lose either way and I'm hearing very clearly from them that there's a heavy urine, feces & ammonia smell
-contact the House Calls Program at Ramsey Co, 266-1285; they help people in housing crisis; people who need to move; they provide services to help you move forward

Grant to April 30 for tenant to vacate the property.

Referred to the City Council due back on 4/19/2017

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 27 [RLH FCO 17-37](#) Appeal of Mary Zesbaugh to a Provisional Fire Certificate of Occupancy Renewal Invoice at 1262 ENGLEWOOD AVENUE.

Sponsors: Stark

Mary Zesbaugh and her husband, John Zesbaugh appeared on behalf of Marianne Kriegler Trust.

Fire Supervisor A J Neis:

-I only saw the application for appeal; I'm not certain what the appeal is for

Ms. Zesbaugh:

-Marianne Kriegler is my aunt; and the house is in her Trust; she is currently living in the Memory Care Facility
-the house has always been in the family since around 1923-24; she lived in this house until she had to move because of her condition in 2011 to assisted living; then into memory care
-we have always had family members taking care of the house; it's never been a rental nor has anyone other than family lived in the house; so, we were very surprised receiving this Provisional Fire Certificate of Occupancy; that is what we're questioning

-someone is currently living there

Ms. Moermond:

-the computer system between the city & the county does cross reference for owner address vs. property address; her address as the owner isn't showing up as the property address; that's why it got kicked over to Fire C of O Program

-you have a family Trust here of Marianne Kriegler

Ms. Zesbaugh:

-with my aunt's dementia came severe anxiety

-we don't need to sell the house because we've had family members living there: my brother & his wife stayed there for a couple of years; and now, their daughter and another nephew have moved in to take care of the house; this is for my aunt's peace of mind to know that the house is still there; she is 93 and she thinks that maybe someday she'll be able to move back there; I know that it's not a possibility but we know that she has peace of mind knowing that family members are there taking care of it; it calms her down; so, we'd rather not sell the house until she passes away or until she needs the money; right now, she doesn't need the money

Mr. Neis:

-the city has no records of complaints of any kind at this property; the record is incredibly clean

-only permits are listed, along with a requested fire inspection

Ms. Moermond:

-there's 2 types of cases where I can easily release people from the Fire C of O Program: 1) when a property is held in trust while the owner is still living there; and 2) when a relative with some type of disability lives there - considered 1 household under 2 roofs

-this situation is neither of those; you have a trust; the owner moved out & there have been absolutely no problems

Mr. Zesbaugh:

-this is actually the 4th generation in that house; my wife's 93 year old was born there; she never married; she never had children; she never moved out until she had to go

Ms. Moermond:

-your aunt is in a memory health care facility; family caretakers are living there in the house

-during the current occupancy (meaning that it must remain a single family home with the current people living there), you can be out of the Fire C of O Program

-if there is a change in occupancy/tenancy, it will need to be revisited

Grant the appeal for property to be released from the Fire C of O Program during its current occupancy.

Referred to the City Council due back on 5/3/2017

28 [RLH FCO 17-30](#)

Appeal of Cheryl Mikel, Love in Action, LLC, to a Correction Notice - Re-Inspection Complaint at 605 COMO AVENUE. (Legislative Hearing on May 16, 2017)

Sponsors: Thao

Cheryl Mikel, Love in Action LLC, owner; Maria Snider, Child Care Development Director, Rainbow Child Care Center, appeared.

Ms. Moermond:

-we had left it that Mr. Neis & possibly Angie Wiese would go out to inspect but she was out on leave and unable to do that; Mr. Neis did go out

Fire Supervisor A J Neis:

-I was allowed access by the Appellant; they allowed me to do a full walk-thru of the bldg; and they do not have nor have they ever had a fire alarm system in the bldg; they were 100% correct about that; they do have smoke alarms (not a fire alarm system) like you'd have in your residence; they allowed me to test them even though the kids were there; when 1 detector went off, it appeared that all of the detectors went off, providing a level of protection very similar to a fire alarm system but it's not a true fire alarm system

-if the appeal were granted, we'd like to see some additional placement of smoke alarms; and, even if the appeal were granted, the state could say that a fire alarm system is required for this number of occupants and because this is a child care facility

-another potential concern is that it is not ADA compliant

-and, since this is not a true fire alarm system, they cannot have a pull station, which is also required in that type of facility

-history: this should have been caught numerous times; a permit was pulled in 2011 for these hard wired smoke detectors to be installed right around the time that they started construction; permits were finalized by the electrical inspector & approved; also, in 2012

Ms. Moermond:

-one of the first things you said was about how close this meets the requirement that there be a fire alarm system except for the pull station - but otherwise, this is very, very comparable to the measure of safety one would get with a fire alarm system

Mr. Neis:

-yes, very close except, there needs to be a couple more placements of alarms; I just need to take some exact distance measurements

Ms. Mikel:

-what rooms are you thinking about the fire alarms

Mr. Neis:

-may be the room where shoes are being taken off, more back in the corner in the back door

Ms. Mikel:

-what does the law says and how large the room needs to be

-that room is only 10 ft and the door is right there and width is probably 8

Mr. Neis:

-there is no law because it's not a fire alarm system

-those are not supposed to be used in a day care but in a home

Ms. Moermond:

-does the law say that there should be a fire alarm system with a pull station & all the other stuff? Yes, it does

-do you have something that comes really close? Yes, you do

-have there been a number of occasions that this should have been brought to your attention when it would have been more financially feasible for you to undertake?

Numerous times

-setting that aside and focusing on the safety piece of it, we could come really close to meeting the safety level of a fire alarm system using the smoke alarm system and adding a couple of locations and this sounds acceptable, which says that this is the equivalent of having a fire alarm system, so, you'd be granted an equivalency for it and that would be my recommendation to the City Council - that they grant you an equivalency

with those added locations

-Mr. Neis will write up those locations after he's inspected; he will copy me on it so that I can include that specific information in the resolution so that it shows what those additional locations are as part of the conditions for the equivalency; if you have a concern about those locations, call my office & we can handle that

Mr. Neis:

-I need to take a closer look at some rooms & the basement (I couldn't hear the one in the basement)

Ms. Mikel:

-there is another room but no one uses the room and it is completed boarded with sheetrocks

-I know that the system is hardwired but I don't know if the one in the basement is attached to the one in the hallway; one is in the house which is connected to the basement; the other one is down the hallway in the bldg

Mr. Neis:

-that's what I need to check on to make sure

Ms. Moermond:

-the fire code, in this respect, has not changed; the building changed and when the building changes, the code changes, which should have been triggered; it was an oversight that it wasn't reviewed

Ms. Mikel:

-does this have something to do with the law that changed and when that law changed, I did ask the question when you were out and I think you were going to call us

Mr. Neis:

-was waiting to get full confirmation from Supervisor Angie Wiese to my findings and to have discussion with

-it's not the law that changed, it was once you connected the building

Ms. Mikel:

-still talking about having 50 children to 100

-although, the building changed, we still remained under 100 children, which meant that we met the fire code requirements 100%; I don't want to have a bldg that doesn't meet the fire code requirements; I don't want it in my record that I'm barely meeting it; I don't want that; that's why I hired an architect, I hired an engineer, I pulled the permits to make sure that everyone would be 100% safe, not marginally

Ms. Moermond:

-the Fire code in this area that stays the same, it's the building that changed so this triggered and it was an oversight

-that's not what that says

-if I believed that you needed the fire alarm system, I would say that and you would either spend the money to do it or you wouldn't have this place going; if something happens here, my name is in the newspaper before yours, in all likelihood; so,

believe me when I say that this is going to be an equivalent measure of safety
-Mr. Neis will be out checking in the next 2 weeks

Mr. Neis:

-there's a possibility that the basement will need to be connected for sure

Ms. Snider:

-running the wires will be challenging

Ms. Mikel:

-does the city have any responsibility in approving the plans, accepting the plans & inspections?

-also, my letter to Fire Inspection manager was never responded to

-i don't want to sue the City, what i asked in my letter which was never responded was I am happy to make any changes the City wants by the licensed people in St Paul, pull the right permits, take it off my taxes that I paid of \$28,000 per year

-i want them to take their responsibility

Ms. Moermond:

-decreasing your taxes is the same thing as filing a claim so if you want to file a claim, the claim forms are in Room 310

-if the inspectors made a dozen mistakes over 20 years, that doesn't mean that things are OK now; state law & case law says that you still have to fix it whether or not it was a mistake of the inspectors in the past

-if you have concerns with the locations for the extra smoke alarms, we will talk more about that & deal with it

-if you want to be reimbursed for any additional costs that you feel you've incurred that you shouldn't have, claim forms are in Room 310

-I did bring to the attention of the manager of Fire Inspections that your letter did not receive a response; I pointedly brought that to her attention; that's my power; the next step would be the Mayor

-City Council Public Hearing May 3, 2017

Final recommendation is forthcoming. Inspector Neis to do another inspection to test out the smoke alarm(s) in the basement and determine what locations need the installation of additional smoke alarms.

Referred to the City Council due back on 5/3/2017

- 29** [RLH FCO 17-38](#) Appeal of R.P. Management to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1022 WAKEFIELD AVENUE.

Sponsors: Prince

Appeal withdrawn by Legislative Hearing Officer and has been referred to building official.

Withdrawn

2:30 p.m. Hearings

Vacant Building Registrations

- 30** [RLH VBR 17-20](#) Appeal of Othmane Salahiddine to a Vacant Building Registration Requirement at 1256 BUSH AVENUE.

Sponsors: Prince

Othmane Salahiddine, brother of owner, Bader Jawad, appeared.

Ms. Moermond:

-the Fire Certificate of Occupancy was Revoked in Jan 2017 and that led to it being in the Vacant Building Program

Fire Supervisor A J Neis:

-the Revocation was issued by Inspector Dan Klein; the issues had been going on since Oct 2016 when Inspector Klein had difficulty accessing the building for an inspection; there were several no shows

-on Jan 9, 2017, Insp Klein Revoked the Fire C of O for noncompliance; he spoke with the owner's brother, who said that Mr. Jawad was still out of the county and he had no idea about when he'd return; the property's brother indicated to the inspector that, "He wishes me to Revoke the property so the tenant will leave;" I explained the process of Revocation and he said that he understands

-Jan 30, 2017: Insp notes that the owner did not show; he knocked on the door & could hear the tenant inside; he placarded the door; he saw the tenant looking out the window and got her to come to the door; she stated that the clerk told her she could take the placard down because it affected her livelihood; she said she appealed but there was no record of it; he tried to call the property owner's brother several times; no answer; it went straight to voice mail; earlier, the brother indicated that when he had spoken to him the night before that he was not going to fix the property and knew he needed to meet if he wanted a Revocation extension; the tenant became very hostile so, he left the property; he spoke with Ms. Wiese, who advised him to send it over to the Vacant Building Program

-it looks as though the inspector did not do a forced vacate; the property was supposed to be vacated on Jan 30, 2017

Supervisor Rich Singerhouse, Vacant Buildings:

-Inspector Friel opened up a Cat 2 VB Feb 2, 2017; we noticed that there was a dog inside; no one answered the door; we placarded the property.

-Mar 17, 2017 - I had a conversation with Mr. Salahiddine regarding the need for a code compliance inspection sign-off in order for it to be occupied or apply for an appeal

Mr. Salahiddine:

-Mr. Jawad is my brother; he's out of the country & I'm taking care of business on his behalf; he's a headache; he left the country about 4-5 years ago; now, he lives in England for work; the house was rented thru Section 8; for the last 2-3 years, I never heard from the fire inspector; I was never contacted until late last year; he went in to inspector and found minor things like the door knob needed to be fixed; the dryer exhaust needs to be fixed; paint the garage; and do something with the driveway for the back parking lot; so, I told him that the lady renting needs to leave because she rents thru Section 8 & I haven't gotten any rent from her for 4 months; I told the inspector that I will fix it; when he called to set up a date for the 2nd inspection, I told him that I couldn't make that date; I would be out of the country at that time but, I said that the lady would be there; she's hostile; she wasn't a pleasant person to begin with; so, finally now, she left; she is out of the house & I fixed everything in the house; now, I want to get the certificate back and give it to a company who can manage the property for us so I don't have to deal with those headaches anymore; she had moved in around 2015

Mr. Neis:

-the complaints started to come in 2015; the property had a pretty clean history prior to that; just permits

-from 2015-16, we got over-hanging vegetation; junk vehicles; cabinets in the driveway; water shut offs; etc.

-I did speak with Supervisor Singerhouse and the repairs are relatively minor; so, if the work is done, we are open to that; however, I want to say that we are not an enforcement agency to kick out bad tenants; that needs to be understood by the property owner/manager

Mr. Salahiddine:

-I recall having a conversation with the inspector when I told him that he could go back to the property because everything was fixed but she was not pleasant; when he called me on voice mail, I couldn't get to my phone; I was in the middle of the ocean on a cruise; I didn't have service; he left me a voice mail & she left me a voice mail; she told me that he didn't want to go in to inspect the property; in his words, he said that she wouldn't let him in; I had 2 people telling me 2 different things; so, I don't know who to believe

-it's up to you guys now; the house is vacant and everything is fixed on the house; the garage is left to be painted

-I'm just looking to get the Fire C of O back

-when I got back to town, I called Dan; and he said that I could go ahead and rent it; later he called me back and said, "Oh, no; we can't do that right now because it's a Cat 2 VB;" he was not aware of that

Ms. Moermond:

-if you can get your Fire C of O re-instated by May 2, 2017, you won't have to be a Cat 2 VB; you can rent it again based on having your C of O back

-I will also prorate the VB fee from the 3 months out of 12

-we will allow you to pull permits

Mr. Neis:

-the dryer vent will require a permit

Ms. Moermond:

Grant to May 2, 2017 to get Fire C of O reinstated and allow permit(s) to be pulled. DSI staff to process VB fee.

Referred to the City Council due back on 5/3/2017

- 31 [RLH VBR 17-21](#) Appeal of Paul Belmonte to a Vacant Building Registration Renewal Notice at 632 LEXINGTON PARKWAY NORTH.

Sponsors: Thao

Paul Belmonte, owner, appeared.

Ms. Moermond:

-I received a question from staff about how we talked a couple of months ago about the boarding of the building; the boarding was happening because it was in the Vacant Building Program and occupied; the Orders went out saying, "You can't have this bldg occupied; it's going to be boarded to prevent people from going in and out;" so, the big question in that appeal process was, "Should this be a registered VB or not?" and that is, essentially, the same question that we're talking about today, only instead of talking about it in the context of boarding the bldg, we're talking about it in the context of the registration of the bldg and the bill to be in the VB program; so, it's the same question to me but a different enforcement

Supervisor Rich Singerhouse, Vacant Buildings:

-Matt Dornfeld's notes:

-on Dec 20, 2016, per Legislative Hearing Officer, Marcia Moermond, the appeal was denied; the bldg remains a Cat 2 VB; occupancy remains illegal until a Certificate of Code Compliance is issued; property owner to attend City Council Public Hearing -Jan 4, 2017, met with Paul & Mr. Magner at property; we explained to Mr. Belmonte DSI's expectations on the basement fire wall; Mr. Belmonte stated that he plans to attend City Council hearing later this month to request an extension; on Jan 23, 2017, City Council denied the appeal; the property remains in noncompliance and illegally occupied; Paul notified DSI that he intends to hire legal counsel to assist him in appealing the City Council's verdict

Ms. Moermond:

-in your appeal, you wrote that you didn't want to be responsible for paying the VB fee until after the court had made the decision about boarding up the building -if this fee goes unpaid, it would become an assessment onto the property taxes; if that happens, it would be on the 2018 property taxes, which would be plenty of time for court to hear your case; I understand that you have filed in District Court; this actually should be in Appellant Court

Mr. Belmonte:

-I keep telling you that I have everything I need to do the repairs but I can't hire an electrician to run the wires before the sheet rock because they can't pull a permit

Ms. Moermond:

-right; you need the code compliance inspection

Mr. Belmonte:

-how do I do my sheet rock when I can't get my wiring done?

Ms. Moermond:

-you get the code compliance inspection; you need to do these things before it can be re-occupied

Mr. Singerhouse:

-when you get the code compliance inspection, you can pull permits

Ms. Moermond:

-the code compliance inspection is the city sending a team of 4 trade inspectors to the property to write a list of things that need to be done to make it code compliant

Mr. Belmonte:

-it was code compliant in 2012

Ms. Moermond:

-and, it does not appear to be so now from looking at the Orders; enough things are wrong with it and they are serious enough that a code compliance inspection is necessary

Mr. Belmonte:

-I thought it was just the fire separation according to the letter (?)

Ms. Moermond:

*-that's a pretty significant thing
-we'll let this go & let the court decide what they decide
-if the VB fee goes onto your taxes and it shouldn't have, you can file a claim against the city*

-will recommend denying this appeal; you will be allowed to file for a code compliance inspection, if you choose. even though the VB fee has not yet been paid

Ms. Belmonte:

-I'm happy with that

Ms. Moermond:

Deny the appeal and owner needs to apply for a code compliance inspection. (DSI staff to process the VB fee.)

Referred to the City Council due back on 5/3/2017