



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
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651-266-8585

Tuesday, June 17, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 14-341](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 18-24 BATES AVENUE.

Sponsors: Lantry

Attachments: [18-24 Bates Ave.Snow Walk Ltr.2-20-14](#)
[18-24 Bates Ave.Photo.2-25-14](#)
[18 Bates Ave.Application for Lot Split.5-25-13](#)

Reduce the assessment from \$320 to \$160.

RE: 18-24 Bates Avenue (Exempt Vacant Land)

Nelly Lai Chiu Chan/Successor Under Trust and her niece, Vanh Chan, appeared.

Inspector Paula Seeley:

- Snow Order issued Feb 20, 2014; compliance Feb 23; re-checked Feb 25*
- work done Mar 3, for a cost of \$160 + \$160 service charge = \$320*
- no returned mail*
- 18 Bates and 24 Bates are listed under the same pin number*
- sent to Occupant at 24 Bates and to Nelly Chan, 4120 Parklawn Ave, #235, Edina, MN*
- have documents - they applied to Subdivision to split the lot and they were turned down by the Planning Commission; so, as it stands, Ms. Chan owns 18 and 24 Bates because the lot split was denied; Ms. Chan is responsible for both lots*
- "The proposed lot split does not meet the requirements under Chapter 69 that is... 'no lot shall be created where the pad area of the principal structure has an existing slope steeper than 18% of where the driveway.....'.. therefore your application has been denied," Paul Dubruiel*

Ms. Vanh Chan:

- appealing Notice to cut tall grass and weeds that they got Jun 3, 2014; that's why they are here*
- after speaking with Nelly..*
- are appealing both*

Ms. Seeley:

- they sent the tall grass and weeds Notice to Street Maintenance, Public Works
- should be only the Snow Order

Ms. Moermond:

- let's talk about the snow
- need to fill out an appeal form for the tall grass and weeds

Ms. Vang Chan:

- they did shovel the snow
- the PC did not turn them down; they just chose not to proceed with the subdivision of the lot
- at the time, they did not know that 18-24 were considered one - they had not received any formal Notice

Ms. Seeley:

- thinks that maybe they did shovel 18 Bates but not 24 Bates

VIDEO - (for 24 Bates) - removed the snow and ice; salted and sanded

Ms. Vang Chan:

- thinks that there's a big miscommunication; even though they weren't given a formal letter that the file was closed because they did not proceed with the lot split,... they thought their application was shut down... it was too much expense... and they just didn't realize that 18 Bates and 24 Bates are one and the same

Ms. Nelly Chan:

- they always respond immediately when a letter is mailed to her; this time, she called immediately and the person said, "Oh, someone took care of it already," so, she assumed that it was done and didn't pay attention to it
- most recent letter about tall grass and weeds - that day it was heavy rain, so, she called

Ms. Vang Chan:

- they are asking that the assessment be forgiven because of this lack of communication

Ms. Seeley:

- 24 Bates was called in as a complaint Feb 20, 2014 and the Snow Letter went out

Ms. Vang Chan:

- Nelly responded to it by calling and talked to a person who said it was already cleaned up

Ms. Moermond:

- the problem is that the letter went out Feb 20 and the next day we had 8 inches of snow and it took 2 weeks for the crew to get out there
- she will recommend the assessment be split in half

Ms. Vang Chan:

- their survey indicates only 18 Bates

Ms. Moermond:

- what happens, is that Public Works assigns 1 address, typically, to a parcel; you have 1 pin number; that's for the entire parcel, property; and it's not subdivided, so, you are responsible for both of them

Referred to the City Council due back on 7/23/2014

- 2 [RLH TA 14-98](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1402E3, Assessment No. 148301 at 1818 BENSON AVENUE. (Public hearing continued from April 2) (Amended from Project No. J1402E, Assessment No. 148301; to be laid over to Legislative Hearing on June 17 and City Council Public Hearing on July 9, 2014)

Sponsors: Thune

Attachments: [1818 BENSON AVENUE.ORDER. 6-6-13](#)
[1818 BENSON AVENUE.EC. 8-9-13](#)
[1818 Benson Ave.Photos.8-9-13](#)
[1818 BENSON AVENUE.EC. 10-9-13](#)
[1818 Benson Ave.Photos.10-9-13](#)
[1818 Benson Ave.Photos.6-19-14](#)

At the last hearing, Ms. Moermond recommended the following:

Ms. Moermond:

- requested that Mr. Villafan check out Brush with Kindness, Habitat for Humanity
- will recommend approval of the total assessment(\$275) divided over 5 years if not finished in 6 weeks
- will recommend a decrease to \$100 divided over 2 years if finished in 6 weeks
- at City Council Public Hearing May 7, 2014, she will LAY this OVER the CCPH Jul 9, 2014
- back here at LH Jun 17, 2014 for a progress report

On June 18, 2014, Inspector Smith went to the property and found that nothing has been done this year. Emailed photos to hearing officer. Supervisor Paula Seeley also called Brush with Kiness and they have no record of owner contacting them.

Approve the assessment and spread payments over 5 years.

Referred to the City Council due back on 7/9/2014

- 3 [RLH TA 14-304](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 277 BRIMHALL STREET.

Sponsors: Tolbert

Attachments: [277 BRIMHALL ST.SNOW WALK LTR.2-20-14](#)
[277 BRIMHALL ST.SNOW AND ICE LTR.2-26-14](#)

No show - approve the assessment.

Referred to the City Council due back on 7/23/2014

- 4 [RLH TA 14-361](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1023 CONWAY STREET.

Sponsors: Lantry

Attachments: [1023 Conway St.SAO.3-14-14](#)
[1023 Conway St.Correction Notice.3-14-14](#)

Approve and spread payments over 5 years. (No one was here. See previous minutes)

Referred to the City Council due back on 7/23/2014

- 5** [RLH TA 14-360](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 959 EUCLID STREET.

Sponsors: Lantry

Attachments: [959 Euclid St.Snow Walk Ltr.2-26-14](#)
[959 Euclid St.Photos.3-3-14](#)

Approve and spread payments over 5 years.

RE: 959 Euclid Street (Single Family)

Jessica Zdanauskas, Kally US LLC, and the tenant appeared.

Inspector Paula Seeley:

- Snow Order issued Feb 26, 2014; compliance Feb 29; re-checked Mar 3*
- work done Mar 5, 2014 for a cost of \$160 + \$160 service charge = \$320*
- no returned mail*
- sent to Kally US LLC, 1245 Kennard St; and Occupant*
- photos show not shoveled full width; snow packed*

Ms. Zdanauskas:

- usually I get the letter*
- didn't know that letters were also sent to the Occupant*
- she called the tenant and told the tenant to handle it*
- tenant said that she had shoveled*

VIDEO - removed packed snow/ice full width; salt and sand

Tenant:

- she shoveled as best she could; tried to break up the ice*
- people had walked on it and packed it down*
- she tried to keep the sidewalk as clean as she could*
- she even had to take a crow bar to try to gust up the ice*

Ms. Zdanauskas:

- when she called up to schedule this hearing because she missed the initial hearing, she confirmed that the whole street had been done by the city*
- it was a rough winter and snow was already packed when she was able to get her own sidewalk shoveled*
- the city was having a hard time even keeping the streets drivable, as well*
- the tenant has lived there for 3-4 years now; she trusts that the tenant did what she could*

Ms. Moermond:

- we did get an additional inch Feb 28*
- the problem is that only 1 shovel-width was done, although the steps were immaculate*

- there were 10 days between when it snowed and the crew went out to clean it

Tenant:

- she had to keep shoveling; her kids go to school and a nurse comes 3 times a day
- she is responsible for snow removal and mowing the lawn, etc.

Ms. Zdanauskas:

- asked if the assessment could be reduced because the tenant is on Section 8 (limited income) and is responsible for paying the assessments
- her nurse comes 3 times a day

Ms. Moermond:

- will recommend dividing the assessment over 5 years
- City Council Public Hearing Jul 23, 2014

Referred to the City Council due back on 7/23/2014

- 6 [RLH TA 14-364](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1410, Assessment No. 148210 at 206 GOODRICH AVENUE.

Sponsors: Thune

Attachments: [206 Goodrich Ave.Fee Invoice.2-4-14](#)
[206 Goodrich Ave.Final Invoice.3-6-14](#)

No show - approve the assessment.

Referred to the City Council due back on 8/6/2014

- 7 [RLH TA 14-359](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1409, Assessment No. 148813 at 210 GRAND AVENUE.

Sponsors: Thune

Attachments: [210 Grand Ave.VB Notice.2-17-14](#)

Approve the assessment and spread over 2 years.

RE: 210 Grand Avenue (General Retail & SVC-B-Commercial)

Imran Kahn, owner, appeared.

Inspector Joe Yannarely:

- Category 2 Commercial Vacant Building entered program Sep 2012
- nothing has changed
- this is the annual VB fee of \$1440 + \$155 service charge = \$1595

Mr. Kahn:

- when he bought the building, it didn't have a Certificate of Occupancy and it was operating as a flower shop
- his goal was to keep it operational up until he changed the use
- he didn't research it; had to do a lot of work to rehab the building (almost a complete tear down)
- he needs more time; it was something more that he had anticipated; it was a very shady building
- wants to start working on it again in Aug 2014 after he finished another project
- he has done a lot of interior work to brace up the building

- the weather got cold very fast lat fall and they had to cap a sewer line 20 feet down (more extra things that he didn't expect)

Ms. Moermond:

- the VB fee covers Sep 2013 - Sep 2014; she anticipates that it will be in the VP Program that whole time because Mr. Kahn isn't starting again until Aug 2014
- will recommend dividing the assessment over 2 years

Mr. Kahn:

- asked why the building didn't have a C of O when he purchased it?
- when was the last inspection?

Mr. Yannarely:

- the C of O was Revoked by the Certificate of Occupancy Program

Fire Inspector Leanna Shaff:

- explained that Inspector Scott St. Martin Revoked the Fire C of O unoccupied on Mar 27, 2012
- 6 months later, Inspector Sebastian Migdahl said that he had spoken with the property owner on 9-24-12 and the owner said that he had no intention of repairing the property; he stated that he may want to tear down the building; they were going to transfer the file to the Vacant Building Program
- it was sold

Referred to the City Council due back on 7/23/2014

8 [RLH TA 14-380](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1410, Assessment No. 148210 at 636 GRAND AVENUE.

Sponsors: Thune

Attachments: [636 Grand Ave.Fee Invoice.1-17-14](#)
 [636 Grand Ave.Final Notice.2-17-14](#)
 [636 Grand Ave.Halverson & Baiser Group Work Requested.10-8-13](#)

Reduce from \$1045 to \$863.

RE: 636 Grand Avenue (Apartments)

Lynne Swalchick appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy; 26-Unit Building
- cost: \$890 + \$155 service charge = \$1045
- appointment letter went out Aug 27, 2013
- there was a "no entry" on Sep 17, 2013;
- Orders dated Oct 2; Nov 12; and Dec 6, 2013
- it was approved with corrections Jan 15, 2014
- billing dates: Jan 17; Feb 17, 2014
- the corrections are not yet complete; however, she is recommending removing the \$155 service charge and one \$182 re-inspection fee
- the inspector was waiting for paperwork and no inspection was performed
- total assessment \$708

Ms. Swalchick:

- her bill says \$950

- the first no show was her fault on Sep 17, 2013; she had given everyone the wrong time to be there
 - the inspector came Oct 2, 2013 and issued Work Orders and they were completed
 - Sep 13, 2013, she called and ordered the Fire Burning Equipment Test; this has been carried down every month

Ms. Shaff:

- the inspector held your C of O open in order that you wouldn't be charged for that last item before he could approve it with Corrections

Ms. Swalchick:

- we've had the building for quire a few years and we use the same people every year to do these reports and she faxed me a copy of the paperwork; we had never had one report that didn't get there
 - each month, they'd get a letter about the same three things that we were working; then, the weather got cold and the little piece of limestone off the corner was not done; the other things were done; the light was finished right away on Sep 18, 2013

Ms. Shaff:

- if there's a deficiency at the time of inspection, they will write it up
 - the residential heating report wasn't received from your contractor so, we had to keep adding it to the list
 - she will speak with the Inspector Hall
 - they don't assess the "no entry penalty fee," which \$60

Ms. Moermond:

- beginning the \$950, they are immediately knocking down \$60; additionally, the Inspector is already recommending that 1 of the re-inspections be deleted, which leaves you with only 1 other re-inspection fee
 - she will keep the service charge (\$155) on the assessment
 - she will recommend approving a total assessment of \$863

Referred to the City Council due back on 8/6/2014

- 9 [RLH TA 14-353](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1409, Assessment No. 148813 at 405 JESSAMINE AVENUE EAST.

Sponsors: Brendmoen

After review of staff records, am recommending a decrease of assessment to \$400.

Referred to the City Council due back on 7/23/2014

- 10 [RLH TA 14-362](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 677 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Attachments: [677 Jessamine Ave E.SAO.3-7-14](#)

[677 Jessamine Ave E.Photo.3-13-14](#)

No show - approve the assessment.

Referred to the City Council due back on 7/23/2014

- 11 [RLH TA 14-368](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No.

J1409A, Assessment No. 148526 at 264 LAFOND AVENUE.

Sponsors: Thao

Attachments: [264 Lafond Ave.Snow Walk Ltr.2-26-14](#)
[264 Lafond Ave.Photos.3-4-14](#)

No show - approve the assessment.

Referred to the City Council due back on 7/23/2014

12 [RLH TA 14-372](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409B, Assessment No. 148108 at 884 MOUND STREET.

Sponsors: Lantry

Attachments: [884 Mound St.Photos.4-2-14](#)
[884 Mound St.Fire Report.3-20-14](#)
[884 Mound St.Respro Invoice.3-20-14](#)
[884 Mound St.Hall Ltr.8-19-14](#)

Forthcoming. LHO to contact the captain at the Fire Dept as to what happened as far as conversations went between the owners and his staff after the scene was cleared.

RE: 884 Mound Street (Single Family)

Emiko Hall, owner, and Larry Hall, appeared.

Inspector Joe Yannarely:

- a kitchen fire that spread to the living room*
- fire smoke and fire suppression damage*
- RESPRO was called by St. Paul Fire Dept and they secured 21 openings with 14 boards (80 clips)*
- cost: \$557.30 + \$160 = \$717.30*

Mr. Hall:

- appealing because they already had that contracted to be done; he had contacted his insurance agency and they were getting some people to take care of it; he doesn't recall giving the city permission to take over a contract that he already had with someone else; everyone knows that the city charges 3 or 4 times more for their work than anyone else*
- there's no contract; if the city has a contract, he wants to see it*
- this was already paid for and taken care of*
- the city got there at the same time as the fire truck; now, that's greedy*
- he didn't know who these guys were; he thought that maybe they were his contractor*
- then, the city sends threatening letters about extra fees, etc.*
- his wife was scared to death; she thought that she was going to jail*
- is that how we live in this country- threatening people - mandates? That's not the way to handle things*
- we paid for the contractor to come out; we are at a loss here*
- it's offensive that the city thinks it needs to scare people*
- he did not give anyone from the city permission to subrogate the contract that he had to do the work*

Ms. Moermond:

- is looking at the Fire Report which tells her the date and time that the alarm went off: Mar 20, 2014 at 4 pm; 4 minutes later, the fire crew arrived; they cleared the scene at 6:10 pm

Mr. Yannarely:

- RESPRO preformed this at 9 pm

Ms. Moermond:

- is wondering what happened between 6 pm and 9 pm?

Mr. Hall:

*- is wondering why they didn't tell him who they were and why didn't they ask him for permission?
- he and his wife were at the house at the time*

Ms. Moermond:

- what happens is when a house is left open after law enforcement clear the scene, they can't literally clear the scene until it's secured; they can't leave an open building;

Mrs. Hall:

*- they were there and all of a sudden someone came in and started boarding
- her husband asked who they were and someone said, "I don't know."
- we were there all along and no one knew who they were
- they are living on Social Security and are struggling through
- she is fearful; doesn't have the money to pay; doesn't want to go to jail*

Ms. Moermond:

- there is no jail for this

Mr. Yannarely:

- most of the time, your fire insurance will pay for the boarding

Mr. Hall:

*- yes, they do pay for who we authorize
- this was interference with their contractor
- we can hire who we want; it's our choice; we don't want to hire the city; we had a contract to board it and seal it*

Ms. Moermond:

*- it's the city's obligation to make sure that the boarding is taken care of
- is curious: after fire cleared the scene, what communication they had with the boarding contractor?
- did someone from fire stay on the scene?*

Mr. Hall:

*- the city just came in, didn't say who they were; didn't ask us; they just did it; we thought that they were our contractor
- it's just common courtesy to ask, to let people know who you are, etc.*

Ms. Moermond:

*- the fact of the matter is, RESPRO is on a master contract with the city; they don't chase fire trucks; it is their job to go to the scene of a fire or a crime, when a building's been left open and seal it up
- by being a city resident, you get fire service without a contract; you get police service without a contract*

- the contractor's fee doesn't come from your property taxes; this is a fee above and beyond what's on your property taxes; fire and police services are covered by property taxes
- she would like to hear what happened from the Fire Captain; she thinks that there is a problem with communication here
- she is pretty sure that this assessment will be deleted but not because of Mr. Hall's arguments
- she will talk with the Fire Captain and get back to the Halls; if it's not recommended for deletion, she will give the Halls another opportunity to be heard

Referred to the City Council due back on 8/6/2014

- 13** [RLH TA 14-378](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409B Assessment No. 148108 at 578 POINT DOUGLAS ROAD SOUTH.

Sponsors: Lantry

Attachments: [578 Point Douglas Rd S.Restpro Service Invoice.3-10-14](#)

No show - approve the assessment.

Referred to the City Council due back on 8/6/2014

- 14** [RLH TA 14-365](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1410, Assessment No. 148210 at 1765 RANDOLPH AVENUE.

Sponsors: Tolbert

Attachments: [1765 Randolph Ave.1-31-14](#)

[1765 Randolph Ave.3-3-14](#)

Approve the assessment.

RE: 1765 Randolph Avenue (Apartments)

Gwynne Evans, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection fee assessment*
- *cost: \$367.50 + \$155 service charge = \$522.50*
- *gold card was returned by Ms. Evans*
- *date of Orders: Oct 10 and Nov 1, 2013; compliance date was Jan 29, 2014*
- *billing dates: Jan 31 and Mar 3, 2014*
- *sent to Gwynne Evans, P.O. Box 16426, Saint Paul, MN 55116*
- *no returned mail*

Ms. Evans:

- *first of all, you are supposed to send that to my home address: 1405 Summit Ave*

Ms. Shaff:

- *asked if she has filled out a Change of Information form*

Ms. Evans:

- *it's not a change; it's been that since she was 18*
- *she always pay all my fees, etc; she's not in agreement with them but she pays them*
- *she calls and gets this nice girl, who's had this job forever and she gives her her*

credit card; whatever bills she has, this girl puts them on her credit card; sometimes this girl calls her and tells her that she owes something; then, she gives her credit card; apparently, she can't keep the number on file

- *so, she called and got someone different on the phone; they told her that the previous girl has a new job; she gave the new girl her name and asked if she owed anything on any of her properties; she looked it up and said, "No. I don't see anything here at all. You're good." (she doesn't have the date of that phone call but it wasn't long ago)*
- *then, she gets this in the mail and that's why she's here*
- *she is happy to pay anything that she owes but she has to know that she owes it and it needs to be sent to 1405 Summit*

Ms. Shaff:

- *it looks like Pat Fish on Aug 27, 2009 at 9:31 am had changed the address to the P.O. Box*
- *asked Ms. Evans to fill out a Change of Information form*

Ms. Evans:

- *she is away from St. Paul during the winter, Jan - Mar*
- *she doesn't go to that P.O. Box very often, only when she is in St. Paul; she has a home in Coronado, CA; so, she is not home in St. Paul all of the time; therefore, she calls in from CA to see what she has owing; when this girl told her that she owed nothing, she thought she owed nothing*
- *she is not disputing that she should pay; she has beautiful buildings in good areas; her buildings are all rated on top*

Ms. Shaff:

- *we don't keep files by name; so, a query isn't going to show everything that a person has or owes*
- *the city doesn't have the capacity to keep track of all the addresses a person has but the name*

Ms. Evans:

- *she feels that this is not her fault; when she called, they told her that she owed nothing*
- *she is here today to pay her bill; to put it the bill on her credit card*
- *is not in agreement with the extra charge they put on there*

Ms. Moermond:

- *the city can't process this and put it on your credit card*
- *within a week or so after the City Council ratifies this, you will get a letter in the mail from the city's Real Estate Office with all the information you need for billing purposes and you can respond to that with your credit card information*
- *we just provided you with the form to change your contact address*
- *some discussion ensued regarding the deficiency list; and what was found on each inspection*
- *will recommend approval of this assessment*
- *City Council Public Hearing Aug 6, 2014*

Referred to the City Council due back on 8/6/2014

15 [RLH TA 14-318](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1409, Assessment No. 148813 at 1812 REANEY AVENUE.

Sponsors: Lantry

Attachments: [1812 Reaney Ave.VB Notice.2-18-14](#)

Public hearing to be continued to August 6, 2014. If owner receives code compliance certificate, LHO will reduce the Vacant Building fee from \$1595 to \$1195.

RE: 1812 Reaney Avenue (Single Family)

Jim Gasperini, Attorney, The Afton Law Office, appeared.

Inspector Joe Yannarely:

- Category 2 Registered Vacant Building since Oct 27, 2011
- Code Compliance Inspection fee (\$447) was paid by credit on Dec 3, 2013 but he doesn't see it in the file
- annual VB fee: \$1440 + \$155 service charge = \$1595; covers time period of Oct 2013 - Oct 2014
- doesn't see any permits pulled in the file

Mr. Gasperini:

- they finally got the person out who had been inside; everything is cleaned out
- in the process of finishing it and hoping to have it done by Jul 1, 2014
- is it possible to get a prorated fee

Ms. Moermond:

- the city doesn't even have a record of the Code Compliance Inspection being conducted; that's where 4 trade inspectors go in and make a list of repairs that need to take place in order to meet the minimum code requirements for human habitation

Mr. Gasperini:

- they paid the inspection fee for both Ross and Reaney; Ross is nearly complete; they hope to have Reaney completed by Jul 1, 2014
- he really doesn't know if the inspection has been completed or not

Ms. Moermond:

- without getting a Code Compliance Certificate, you won't be able to occupy the building
- if she were to prorate it, it probably be 3 months off the year
- City Council Public Hearing will take place Jul 23, 2014
- will ask the City Council to LAY it OVER to Aug 6, 2014; if you have the Code Compliance Certificate at that time, she will recommend knocking off 1/4 of the VB fee, about \$400

Referred to the City Council due back on 7/23/2014

16 [RLH TA 14-363](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1409, Assessment No. 148813 at 1258 RICE STREET.

Sponsors: Brendmoen

Attachments: [1258 Rice St.VB Renewal Ltr.1-13-14](#)
 [1258 Rice St.VB Warning Ltr.2-12-14](#)

Public hearing to be continued to October 1, 2014. If owner receives code compliance certificate, LHO will prorate the VB fees.

RE: 1258 Rice Street (Single Family)

Guilem Alcenat, owner, appeared.

Inspector Joe Yannarely:

- Vacant Building fee: \$1440 + \$155 service charge = \$1595
- been in the VB Program since Feb 11, 2009
- there's an expired Code Compliance Inspection Report (Nov 2011)

Ms. Alcenat:

- it was a Contract for Deed; took a while before they owned it
- there was a lot of things that needed to be done
- they own 2 other houses, so they weren't able to get working on this one right away and they are trying to save money, too
- they are working on it
- it's gutted and they are trying to get the heating system going so that it can be completed before winter
- all the taxes, plus the VB fee; it's hard for them to get it all paid

Mr. Yannarely:

- they need to get a Code Compliance Inspection Report done before they do too much work
- VB fee for Jun 19, 2013 - Jan 16, 2014

Ms. Moermond:

- these dates don't seem to make sense; that year has come and gone

Mr. Yannarely:

- VB1409 (looking at record); the Legislative Hearing for this was scheduled for Jun 3, 2014; City Council Public Hearing for this is Jul 23, 2014
- this is VB fee for Feb 2014 - Feb 2015

Ms. Moermond:

- perfect!

Ms. Alcenat:

- she had to re-scheduled for the LH because she hadn't returned the gold card
- it was a foreclosed house

Ms. Moermond:

- will ask the City Council to LAY this OVER to Oct 1, 2014
- if you have the Certificate of Code Compliance (everything's done); then, she will recommend the VB fee be cut in half; if it isn't done, the Appellant will pay the entire VB fee

Referred to the City Council due back on 7/23/2014

17 [RLH TA 14-340](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 677 SHERBURNE AVENUE.

Sponsors: Thao

Attachments: [677 Sherburne Ave.Snow Walk Ltr.2-25-14](#)
[677 Sherburne Ave.Photos.3-3-14](#)

Approve the assessment.

RE: 677 Sherburne Avenue (Apartments)

Ludmila Bryskina, owner, appeared.

Inspector Paula Seeley:

- Snow Order issued Feb 25, 2014; compliance Feb 27; re-checked Feb 28
- work done Mar 4, 2014 for a cost of \$240 + \$160 service charge = \$400
- sent to Occupant, Leonid Bryskin, 5601 Indiana Ave N, Brooklyn Center, MN; and Ludmila Bryskina, 5601 Indiana Ave N, Brooklyn Center, MN
- no returned mail
- 5 other exterior complaints in the past year

Ms. Bryskina:

- the sidewalk had been cleaned by the tenant
- when they got the letter, they called their 2 tenants; one tenant said that they cleaned the best that they could with their small snow blower
- the other tenant said that he went out and shoveled; the snow was very packed; she put a lot of salt and sand on it
- she and her husband were unable to go over and shovel for this but they always take care of things; they check on their tenants and what's going on
- at that time, her leg was broken; and her husband was 75 years old on Mar 8 and they went over and cleaned more off the sidewalk; she has photos
- she understands that the city came before them on Mar 4 but the city did not really clean it very good; we had to break the ice and cleared it to the sidewalk

VIDEO - crew cleared the sidewalk full width; salted and sanded

Ms. Bryskina:

- half of what the city cleared was on the blvd; she and her husband don't shovel and clean the blvd
- it was melted and re-froze

Ms. Moermond:

- the letter went out Feb 25; the city crew came out Mar 4
- the crew did a fair bit of work there
- someone had gone through with a very narrow shovel but not at all, a respectable job
- the work did need to be taken care of
- appreciates that the Appellant went out and did additional ice removal

Ms. Bryskina:

- the snow plow always throws a lot of snow and ice onto the corners and that's hard to clean; the VIDEO didn't even show that they cleared those; the snow was so very packed from the street - and it gets thrown onto the sidewalk; that work is incredibly difficult for us

Ms. Moermond:

- doesn't think that an adequate job was done by the tenants; they need better equipment/better shovels, snow blower, etc.
- perhaps you need a property manager
- will recommend approval of this assessment
- City Council Public Hearing is Jun 23, 2014 at 5:30 pm
- staff will retain the VIDEO if you want to come to the CCPH

Referred to the City Council due back on 7/23/2014

18 [RLH TA 14-377](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408P, Assessment No. 148407 at 902 SIXTH STREET EAST.

Sponsors: Lantry

Attachments: [902 Sixth St E.Graffiti Ltr.3-25-14](#)

No show - approve the assessment. No waiver sent in.

Referred to the City Council due back on 8/6/2014

- 19** [RLH TA 14-366](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1410, Assessment No. 148210 at 1405 SUMMIT AVENUE.

Sponsors: Thao

Attachments: [1405 Summit Ave.Fee Invoice.1-31-14](#)

[1405 Summit Ave.Final Invoice.3-3-14](#)

Approve the assessment.

RE: 1459 Summit Avenue (Single Family)

Gwynne Evans, owner, appeared.

Fire Inspector Leanna Shaff:

- carriage house Certificate of Occupancy fee: \$170 + \$155 service charge = \$325

Ms. Evans:

- she talked to Inspector Jay Bohan and asked if she owed anything on this and he said that she didn't

- it was her understanding that this bill was paid

Ms. Shaff:

- it clearly shows that Ms. Evans has a bill

Ms. Moermond:

- an inspection occurred and Ms. Evans is being charged for that

- there was no appeal on the Orders

Ms. Evans:

- she pays a lot of money on Summit Ave and doesn't think it should be rated "C"

- she takes care of every one of her buildings

- is happy to pay the bill that she owes

Ms. Moermond:

- the letters are dated Jan 13, 2014 and Mar 3, 2014 and both were sent to 1405 Summit Ave

Ms. Evans:

- these are winter months and she's in CA; she did not receive them

Ms. Moermond:

- will recommend approval of this assessment

- the City Council Public Hearing is Aug 6, 2014

- you received the bills; you didn't pay the bills

- the fact that you don't even have the letter that indicates when the hearing is for the Council tells her that you are not managing your paperwork well

- the fact that you aren't checking your mail when you're in CA tells her that this isn't being taken care of well

- she is not sympathetic that the administration fee should be deleted; it's a justified

charge.

- the City Council may look at this differently

Referred to the City Council due back on 8/6/2014

- 20** [RLH TA 14-375](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408P, Assessment No. 148407 at 946 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Attachments: [946 University Ave W.Graffiti SA Ltr.3-12-14](#)
[946 University Ave W.Graffiti Waiver.6-19-14](#)

On June 19, 2014, a representative of owner came to the office to fill out the waiver form. Spoke to owner on the form and she indicated she was her way to our office to fill out the form when she had a car accident, which she ended up in the hospital. Since waiver is now filled and sent to DSI, delete the assessment.

Ms. Vang had a phone conversation with owner of the Hodan Childcare Center on Friday, June 13. Ms. Vang told owner that in order for the fee to be deleted, a graffiti waiver form needed to be filled out. Owner informed Ms. Vang that mailing the form to and from her would take too long so she wanted to come into the office to fill out the form. Prior to the hearing on June 18, she never came to fill out the waiver form. Approve the assessment.

Referred to the City Council due back on 8/6/2014

- 21** [RLH TA 14-371](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 2299 VALENTINE AVENUE/2360 COMO AVENUE.

Sponsors: Stark

Attachments: [2299 Valentine and 2360 Como - PED Ltr approved survey.8-29-13](#)

Approval of the assessment should be charged to 2360 Como Avenue because the owner at 2299 Valentine was in compliance with the snow order. Video was reviewed by Inspector Seeley.

Pete Stein contacted Ms. Vang stating he is the owner of the vacant lot of 2299 Valentine Avenue and he did cleared his walks but received notice of the assessment. Ms. Vang contacted Real Estate Offices ("RE") and per RE staff, there was only one PIN number at the time of Legislative Hearing hearing date set up. PIN number was issued to 2360 Como Ave. During April 2014, lot got split which created two pin numbers. Inspector Seeley watched the video of the clean up and indicated that the Valentine property was clear of snow and ice but not the property at 2360 Como. This was review by the Legislative Hearing Officer and she recommended that based upon review of the video, the assessment should be approved for 2360 Como Avenue and delete the assessment for 2299 Valentine Avenue, PIN No. 20-29-23-42-0122.

Referred to the City Council due back on 7/23/2014

- 22** [RLH TA 14-369](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 572 VAN BUREN AVENUE.

Sponsors: Thao

Attachments: [572 Van Buren Ave.Snow Walk Ltr.3-17-14](#)

Owner, Lien Kim Dang along with Tong Nguyen came into the officer before the hearing and owner stated she didn't want to appeal the fee anymore and wanted to pay the bill. Approve the assessment.

Referred to the City Council due back on 7/23/2014

Special Tax Assessments - STAFF REPORT

- 23** [RLH TA 14-373](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 579 OHIO STREET/300 STEVENS STREET.

Sponsors: Stark

Attachments: [579 Ohio St.Snow Walk Ltr.2-24-14](#)

[579 Ohio St.Photos.2-27-14](#)

[579 Ohio St.Snow and Ice SAO.2-27-14](#)

[579 Ohio St.Photos.3-4-14](#)

Approve the assessment. (Owner appealed by letter and a confirmation email was sent to Ms. Perkins on 6/18/14)

RE: 579 Ohio Street (Duplex)

Inspector Paula Seeley:

- Snow/Ice*
- Orders sent Feb 24, 2014; compliance Feb 27; re-checked Feb 27*
- corner lot - no attempt made along Stevens; very narrow shovel path; some salt put on Stevens side*
- opened crosswalk to Ohio*
- also sent out a Summary Abatement on Feb 27 (giving a 2nd chance); re-checked Mar 4*
- work done Mar 6, 2014*
- cost: \$240 + \$160 service charge = \$400*
- no returned mail*

VIDEO - corner lot; no effort to clean on Stevens side of property; city cleaned full width and also the corner; salted and sanded

Ms. Moermond:

- owner indicates that she had used Renters' Warehouse to clear her tenants; tenants did not do a very good job; since then, she has contacted a service company to make sure these things are handled*
- unfortunately, it's her responsibility to take care of it*
- will recommend that this assessment be approved*

Referred to the City Council due back on 7/23/2014

- 24** [RLH TA 14-294](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404E, Assessment No. 148306 at 26 SYCAMORE STREET WEST.

Sponsors: Stark

Attachments: [26 Sycamore St.EC Ltr 2-6-14](#)
[26 Sycamore St.VA Order 12-10-13](#)
[26 Sycamore St.Zoning Ltr 12-10-13](#)
[26 Sycamore St W.Photos.12-5-13](#)
[26 Sycamore St W.Photos.12-6-13](#)
[26 Sycamore St W.Photos.2-5-14](#)
[26 Sycamore St.Photos.6-18-14](#)

Delete the assessment. Owner barricaded the curb cut to avoid tenant(s) from parking; therefore, the issue has been resolved.

Referred to the City Council due back on 7/9/2014

Special Tax Assessments - DELETION (NO HEARING NECESSARY)

- 25 [RLH TA 14-367](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1803 DAYTON AVENUE.

Sponsors: Stark

Attachments: [1803 Dayton Ave.Snow Walk Ltr.2-13-14](#)
[1803 Dayton Ave.Photos.2-19-14](#)

Delete; notice went to previous owner. (No hearing necessary)

Referred to the City Council due back on 7/23/2014

- 26 [RLH TA 14-376](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409B, Assessment No. 148108 at 1043 FOREST STREET.

Sponsors: Bostrom

Delete, wrong address was billed by contractor. (No hearing necessary)

Referred to the City Council due back on 8/6/2014

- 27 [RLH TA 14-379](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408P, Assessment No. 148407 at 1258 RICE STREET.

Sponsors: Brendmoen

Delete; no graffiti letter was ever sent to owner. (No hearing necessary)

Referred to the City Council due back on 8/6/2014

- 28 [RLH TA 14-374](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408P, Assessment No. 148407 at 299 SNELLING AVENUE NORTH.

Sponsors: Stark

Delete; waiver on file since Feb. 2013.

Referred to the City Council due back on 8/6/2014

Special Tax Assessments - ROLLS

- 29** [RLH AR 14-45](#) Ratifying Collection of Certificate of Occupancy fees billed January 6 to February 10, 2014. (File No. CRT1410, Assessment No. 148210)
- Sponsors: Lantry
- Attachments: [Assessment Roll](#)
- Referred to the City Council due back on 8/6/2014**
- 30** [RLH AR 14-46](#) Ratifying Boarding and/or Securing services during March 2014. (File No. J1409B, Assessment No. 148108)
- Sponsors: Lantry
- Attachments: [Assessment Roll](#)
- Referred to the City Council due back on 8/6/2014**
- 31** [RLH AR 14-47](#) Ratifying Graffiti Removal services during March 8 to April 9, 2014. (File No. J1408P, Assessment No. 148407)
- Sponsors: Lantry
- Attachments: [Assessment Roll](#)
- Referred to the City Council due back on 8/6/2014**
- 32** [RLH AR 14-48](#) Ratifying Tree Removal services from April 2014. (File No. 1408T, Assessment No. 149008)
- Sponsors: Lantry
- Attachments: [Assessment Roll](#)
- Referred to the City Council due back on 8/6/2014**

11:00 a.m. Hearings**Summary Abatement Orders**

- 33** [RLH CO 14-6](#) Appeal of Robert Burke to a Correction Notice at 1258 BLAIR AVENUE.
- Sponsors: Stark

Attachments: [1258 Blair Ave.appeal.6-4-14](#)
[1258 Blair Ave.Condemnation.5-10-14](#)
[1258 Blair Ave.Photos.5-10-14](#)
[1258 Blair Ave.Burke Ltr.6-19-14](#)

Grant an extension for one year provided that an inspection be made every four months to check on the status of the roof.

RE: 1258 Blair Avenue (Single Family)

Robert and MaryAnn Burke appeared.

Vicenta Valero, Lawrence Burke's case worker also appeared; Lawrence Burke is the owner.

Inspector Paula Seeley:

- this is a runover of Scott St. Martin, who Condemned it on May 10, 2014*
- the house has been cleaned-up so, the Condemnation was lifted but the roof was left on the Orders*
- May 24, 2014, Inspector Ed Smith wrote a Correction Notice on the roof, being the house was no long Condemned*

Mr. Burke:

- Lawrence Burke is the owner; Robert is Lawrence's brother*
- last summer, Lawrence did get a couple of bids for the roof but he is mentally ill and isn't able to function normally; he's just not on top of things; believes that Lawrence just let the bids go - didn't take action on them; things slip through his consciousness*
- when he got the letter, he seemed to have forgotten about the bids and the roof; although, he has been talking about selling the house and was getting bids from "Ugly House" buyers*
- believes that Lawrence needs to move into some sort of assisted living arrangement; he can no longer manage a house; he sold one of his houses last year*
- he tried to do something but couldn't follow through on the bids*
- this came to Robert's attention after Lawrence received this letter dated May 24, 2014; he said, "Bob, I got this letter; what do I do with it?" It was 2 days before the appeal deadline; so, Robert called down here and got on this agenda*
- the house does need a new roof; Lawrence got 2 bids: 1) \$6,000; and 2) \$9,000*
- they don't know how long Lawrence will be able to hang in there*
- they have been told that the roof is not leaking*
- they are trying to help out and wonder if they can get a different timeline*
- no one has Power of Attorney for Lawrence*

Ms. Moermond:

- can see that the shingles are lifting*
- you would be well serviced to get Power of Attorney for him; it will be important for selling the property*
- will recommend granting 1 year to come into compliance with the roof on the condition that there will be an inspection every 4 months to make sure that the roof is keeping water out; if there's evidence of leaking, you will need to install a new roof*

Ms. Seeley:

- asked who Inspector Smith should contact to re-inspect every 4 months*

Ms. Moermond:

- Inspector Smith should contact both Robert Burke and Lawrence Burke for an inspection appointment*

Mr. Burke:

- if they sell the house to people who are going to rehab the house in the next couple of months, what happens to this Order

Ms. Moermond:

- the Order is connected to the house, not to a person
- sellers just need to disclose to the purchaser that this Order exists

Referred to the City Council due back on 7/9/2014

34 [RLH VO 14-20](#)

Appeal of John and Linda Anderson-Carreno to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate plus Summary Abatement Order at 670 SIMS AVENUE.

Sponsors: Bostrom

Attachments: [670 Sims Ave.appeal.6-10-14](#)
[670 Sims Ave.Photos.5-29-14](#)
[670 Sims Ave.Anderson-Carreno Ltr.6-19-14](#)
[670 Sims Ave.Photos.6-24-14](#)

Grant until June 20, 2014 to get the exterior items into compliance. In the meantime, the condemnation remains and owner(s) can be at the property only from 8 a.m. to 8 p.m. to clean.

RE: 670 Sims Avenue (Single Family)

John and Linda Anderson-Carreno, owners, appeared.

Inspector Paula Seeley:

*- May 29, 2014, she received a phone call about an excessive amount of cats and gross unsanitary conditions at the house, so, she went over there with the police and Ms. Carreno allowed her entrance; she found the entire house, from floor to ceiling, every single room, including the basement full - you can't even walk into the rooms
- the house has 3 stories; about 2300 sq.ft.
- there's a lot of scrap and debris; illegal scrapping going on in the back yard
- Animal Control took out 30 cats already; there are still more
- she stopped over yesterday to do a re-inspection before this hearing; they have a smaller dumpster but there was nothing in it
- the yard was being worked on but nothing had been done in the house yet
- given that it was Condemned immediately on May 29, 2014, some progress should have been started by now*

Ms. Carreno:

*- she called Ms. Seeley but she was on vacation; she asked for an extension because there was so much in the yard to clean-up that they hadn't yet gotten to the house; most of the yard is done-front and side; she wanted to get the yard done first
- she has a crew coming from Southern Minnesota Regional Legal Services (SMRLS) and they can get another dumpster for her, too
- there are trying to get legal counsel because most of the things in the house were all in storage but when she could no afford storage, she had to bring it all to her house; it's all boxed up; she can't see throwing these personal things (photos, etc.) in the dumpster without, at least, going through them
- they were going to build a garage in March, which would have helped; but they couldn't do it then*

- re the cats: she had 1 cat at first; then, their house became a hospice for cats and someone brought over 2 cats and left them on the porch (he could no longer care for them); they had a litter and when some got behind the boxes, they became feral; she couldn't see them; finally, she got a trap

- she hasn't had much help from her husband; he has been very angry about them; the cats were easy to control up until last Aug; she went to Animal Ark and they told her to call Animal Control

Ms. Seeley:

- Kay Wittgenstein called her and asked for information about this case; she said that SMRLS has called her

- as far as she knows, SMRLS is not involved

Ms. Carreno:

- she missed an appointment with an attorney the other day

Mr. Carreno:

- his wife missed an appointment with someone from the Minnesota Bar Association, he thinks; they had contacted some group who gave them the names of 4 or 5 firms but as soon as they heard that he has an annuity and she has personal items, they said they couldn't help;

- since the house was Condemned, they have lost 2 lawn mowers, chain saw, bike, drill, etc; thieves broke into their shed yesterday

Ms. Carreno:

- Jerry was the lawyer and Al is the person who works with SMRLS but Al sent a cleaning lady to her house; she had been a counselor for many years; she was coming to day but I had to call and cancel that (Erica from House Calls)

- they just need more time

Mr. and Ms. Carreno:

- from the house, they have removed a few mattresses and boxes

- they are working on the entry porch; working with the lady who came to help - going room by room as you go into the house

Ms. Moermond:

- you have all the earmarks of both animal hoarding and hoarding of possessions: inside and outside the house

- you will need to contact someone who can help with the issues that accompany hoarding behaviors

- one of the worst things a person can have if you're a hoarder is a storage unit

Ms. Carreno:

- she was never a hoarder

- when she moved from Bloomington and bought her house in St. Paul, she was a collector; she bought a big, beautiful house (she was an artist) with all of the intentions of fixing it up gorgeous, which she did; it was on the hill on York Avenue near Johnson High School; she looked all over St. Paul for this house; everyone she knew came to help her because she had recently been diagnosed with MS; the house looked beautiful; then, she got a knock on the door and was invited to her first neighborhood community meeting on "Tearing Down Your Community;" her house was scheduled to be torn down (she had bought the house 3 months earlier, a HUD home); she was still working at the U of M and she put everything into storage; they were supposed to pay for 1 year of storage; then, she lost her job and relocated to Forest Lake.....

Ms. Moermond:

- regardless of your past, right now, you have all the earmarks of being a hoarder
- this house needs to be cleaned out and you need to manage your own life in a way that it doesn't re-occur
- until you address this, this problem will come back when you locate somewhere else
- the yard is nearly cleaned up; Order went out May 29

Ms. Carreno:

- the neighbors next door put on a new roof and all their old shingles, etc. came down and ruined things in her yard; she has left it there so that the neighbors could see it and possibly help clean it up

Ms. Seeley:

- this property has been Condemned 2 other times and was transferred to the Vacant Building Program and then, got out of there (2003 and 2004-2006, Condemned for the same thing)

Ms. Moermond:

- from what she is hearing, there are 2 problems: 1) basic sanitation; is this place safe to live with all of the cat waste; and 2) clutter; being able to get out in case of a fire/get fire fighters and paramedics in
- this house should remain Condemned and be Vacated
- you can't live there; you can't hang out, watch TV, prepare meals, etc.

Ms. Carreno:

- they haven't been in the house from 8 p.m. - 8 a.m. since the Vacate
- their neighbor across the alley is letting them park their car/truck in his driveway; he also lets them barbecue in his back yard or sit in his house if it rains;

Ms. Moermond:

- the deadline for the exterior is now Fri, Jun 20, 2014; if it's not cleaned, a crew will come on Mon, Jun 23
- the house is now a Category 2 Registered Vacant Building; trades will need to go in and do a code compliance inspection report; you will need to do the items on their report
- you can not go back there to live until it has been cleared by inspectors

Referred to the City Council due back on 7/9/2014

- 35** [RLH SAO 14-19](#) Appeal of Patricia Durand to a Summary Abatement Order and Notice to Cut Tall Grass and/or Weeds at 1901 SAINT ANTHONY AVENUE.

Sponsors: Stark

Attachments: [1901 Saint Anthony.appeal,061214](#)

Owner is in compliance.

Withdrawn

- 36** [RLH SAO 14-18](#) Appeal of Mary L. Murphy and Thomas M. Murphy to a Summary Abatement Order at 15 BAKER STREET WEST.

Sponsors: Thune

Attachments: [15 Baker St W.appeal.6-10-14](#)
[15 Baker St W.Appealing Statement.6-17-14](#)
[15 Baker St W and 642 Hall Ave.Attorneys Info.6-17-14](#)
[15 Baker St W.Murphy Ltr.6-19-14](#)
[15 Baker St W.Photo.8-5-14](#)
[15 Baker St W and 642 Hall Ave.Attorneys Ltr.8-8-14](#)
[15 Baker St W.Murphy Ltr.9-11-14](#)
[642 Hall Ave and 15 Baker St W.Chain Emails.9-22-14](#)
[15 Baker St and 642 Hall Ave.Osdoaba and LeTendre Ltr.1-14-15](#)
[15 Baker St and 642 Hall Ave.King-LeTendre Ltr.5-7-15](#)
[15 Baker St W-642 Hall Ave.King Settlement Ltr](#)
[15 Baker St W-642 Hall Ave.Tier One estimate](#)

To be referred back to Legislative Hearing on August 5, 2014 at 11:00 a.m. and City Council Public Hearing on August 20, 2014.

RE: 15 Baker Street West (Duplex)

Thomas and Mary Murphy, owners, appeared.

Inspector Steve Wagner, Vacant Buildings:

- 15 Baker Street West: the previous Orders were voided and a Summary Abatement was issued and reads: Other: Retaining wall has failed and collapsed. Immediately, remove retaining wall; stabilize soils in a sound and professional manner to prevent erosion of embankment.

- 642 Hall Avenue: the previous Orders were voided and a Summary Abatement was issued and reads: Other: Accessory structure is in danger of being undermined due to unstable soils following the collapse of retaining wall. Immediately, stabilize the soil under the east side of garage. Perform all necessary work in a professional manner to stop the structure from being undermined.

- DSI is asking that individual parties take care of their responsibilities on their individual properties

Mr. Hodge:

*- he has approached Mr. Murphy about having access to his property so that he can stabilize his building and Mr. Murphy denied him access
- he now has an attorney
- his attorney told him to give Mr. Murphy his card and have his attorney contact him (Mr. Hodge's attorney); Ms. Murphy said that she did not want Mr. Hodge's attorney's card*

Ms. Moermond:

- told Mr. Hodge to have his attorney send a letter, in that case

Mr. Hodge:

*- his attorney told him to just wait and no doubt Mr. Murphy's attorney would contact him; so, this past Fri, Mr. Murphy's attorney called his house and wanted Mr. Hodge to call him; he gave the name and number to his attorney; he can handle it
- his attorney is not present here today*

- his attorney told Mr. Hodge to say that he is working on getting a structural engineer to evaluate the situation and offer suggestions on what can be done
- his attorney also told Mr. Hodge that he is going to talk with Mr. Murphy's attorney to try to work something out
- his attorney said that he has dealt with cases like this before
- his attorney is representing Mr. Hodge on everything

Mr. and Mrs. Murphy:

- they are appealing the Summary Abatement Order, dated Jun 5, 2014
- they have retained counsel; they are providing his contact information today
- his attorney has discussed the matter with Mr. Hodge's attorney
- they intend to get the advice of an engineer
- they request a 30-day continuance to comply with the city's Orders
- his decision to deny Mr. Hodge access was based on: 1) Mr. Hodge repeated 3 times here last time that he did not need access to Murphy's property to do the work, which was puzzling to him because there is only 18 inches of distance between the property line and the building; also, 2) Mr. Hodge approached him at 7 am on a Sunday morning, when he was sound asleep; the dogs were barking; Mr. Murphy told Mr. Hodge that he would give him a call later about it; when he did call, he got Mr. Hodge's machine so, left a message at 9:15 am that same Sunday and said, "No; we'll be talking to our attorney; we will let you know after that."
- their contention is that replacing the retaining wall is not their responsibility based on all of the evidence

Ms. Moermond:

- it's her job to sort through what the public nuisance is vs. the private matter between the Hodges and the Murphys and to hold them accountable to handle the public portion of this; we will let the attorneys handle the private portion of this matter
- the city's part says, the building needs to be stabilized and you need to get all of that out of your yard to stabilize the soil; one way to stabilize the soil is to get that retaining wall replaced (permanent measure)

Ms. Moermond:

- how far have you gotten with the clean up?

Mr. and Mrs. Murphy:

- they have already taken some of the debris out of the way
- they were not planning on doing anything further
- a 6-foot high retaining wall now is spread out over 12-15 feet into our yard
- timbers are stuck in the mud; they will need to cut them up with a chain saw

Ms. Moermond:

- how many days do you want to stabilize the garage or to get an engineer's report that says you don't need to stabilize it (the city engineer would need to OK that)?

Mr. Hodge:

- I'd have to contact my attorney to see if he has a structural engineer yet; he just called yesterday about getting a structural engineer
- if he had access, he could shore up the building but he doesn't have access
- one thing he could do without going onto Murphy's property is that he could run poly alongside his building, covering up the soil so that when it rains, it would not wash down more soil; and he could do that on his own property
- the other thing that he's found out since he was here last is that when it rains, the water runs down the alley; at his property, it turns and goes to where the retaining wall was; he put some dirt along the alley to try to build it up so that the water just doesn't run down the alley that way

Mr. Magner:

- at this point, the issue needs to be dealt with in one continuous operation; the wall is still acting as a barrier to keep the rest of the soils in place; if they were to remove the remaining parts of the wall, we would see more degradation of the soils; he doesn't think that's going to stop until there's some mechanical system put into place to retain the soils from the higher elevation
- maybe, at this juncture, it would be prudent to give the parties some extension of time to seek information from their legal counsel and information from their hired engineering firms to determine what is the best outcome and then, submit that to the city for review so that the city could issue the appropriate permits and allow the project to move forward
- he doesn't think that a 30-day extension seems unreasonable
- he doesn't know if there's anything else that can be done to alleviate things short of removing the building and changing the grade
- if we continue to get rain, we are going to continue to have degradation of the wall
- the only thing they can do now is to try keep as much run-off away from the situation
- from some recent photos taken by DSI, he knows that the gutter system is currently on the building and hopefully, it can stay there until this issue can be further resolved

Mrs. Murphy:

- the gutter system doesn't work; the water flows out into their yard

Mr. Magner:

- the gutter system that he saw in a photo, and what he knows from talking to the inspector, is getting the water away from the immediate corner of the structure; he doesn't know where it's going from there and he doesn't know the pitch of that alley; it is something that ultimately, needs to be addressed - the engineers need to figure that out

Mr. Murphy:

- they had a contractor come to look at the situation; they would love to have a permanent structure made of concrete block that would allow for drainage and hold up the building; the contractor said that if they would take the job, it would need to be engineered
- this engineered plan will have to be one that's mutually agreed upon and one that we both can work with
- the comment was made that usually, in a situation like this, they raise the building up, erect the wall and then, bring the building back down, in which case, you could also move it because the 18 inches setback is a big deal to them and it's causing a problem for how they rebuild the wall
- the other thing, just for the record, they looked at where the wall fell down and they said that they didn't know how they are going to do this wall without coming around the corner at that north wall; it's showing some bow - it's not a "forever" wall; getting that person involved is another whole kettle of fish
- there's nothing more to do right now except to wait for the engineer's results

Ms. Moermond:

- for the record, she wanted to know who is representing the Murphys: George A. LeTendre, Attorney at Law, 3900 Northwoods Drive, Suite 250, St. Paul, MN 55112
- representing the Hodges: Ruvelson & Kautzer, Attorneys at Law and Advisors, Suite 510, Spruce Tree Centre, 1600 University Ave West, St. Paul MN 55104
- we have soil continuing to come down into Murphys' yard with each additional rain

Mr. Magner:

- he believes that they will continue to see soils undermining the structure because there's nothing there to hold it up (retaining wall)
- Mr. Hodge's garage is not in peril; part could crack and fall in; it makes part of that structure unusable; it would be different is it would be a different type of construction; he doesn't see it collapsing right now; that could happen in the future, possibly; today, no

Ms. Moermond:

- with Summary Abatement Orders having been written, if additional enforcement is called for, DSI has 2 options: 1) they can send someone in to either property to either remove the building or remove the soils, etc; or 2) they can issue a Criminal Citation

Mr. Magner:

- those are options if conditions change or if they get much worse
- in situations like this, they would prefer that parties take the next appropriate steps, which is sounds like they are doing to try to reach resolution
- he recommends that a 30-day period of time for collecting more information and doing needed research and analysis by their individual representatives is probably appropriate; then, they can bring that information back to this forum

Mr. Murphy:

- he believes that their long-range intention is that this be clearly laid out so that everything will be clear moving forward (title, deeds, etc.)

Ms. Moermond:

- thinks that the way these parties are handling this is really smart
- she will continue this matter to Aug 5, 2014 Legislative Hearing to gather reports, etc; you may/may not want your attorneys here, as well
- however, if something dramatic happens between now and then, all bets are off
- at City Council Public Hearing Jul 9, 2014, she will ask CC to send it back to LH Aug 5, 2014
- said that Mr. Hodge could put down poly, under permit; a building inspector needs to sign off on it (a safe, temporary option)

Referred to the City Council due back on 7/9/2014

37 [RLH SAO 14-17](#) Appeal of Roger Hodge to a Summary Abatement Order at 642 HALL AVENUE.

Sponsors: Thune

Attachments: [642 Hall Ave.appeal.6-9-14](#)
[642 Hall.Photos.5-21-14](#)
[642 Hall Aerial Photo.2011](#)
[15 Baker St W and 642 Hall Ave.Attorneys Info.6-17-14](#)
[642 Hall Ave.Hodge Ltr.6-19-14](#)
[642 Hall Ave.Engineering Proposal.8-5-14](#)
[642 Hall Ave.Photos.8-5-14](#)
[15 Baker St W and 642 Hall Ave.Attorneys Ltr.8-8-14](#)
[642 Hall Ave.King Ltr to LHO.9-18-14](#)
[642 Hall Ave.King Ltr.9-11-14](#)
[642 Hall.Attorney Ltr.9-18-14.doc](#)
[642 Hall Ave & 15 Baker St W.Chain Emails.9-22-14](#)
[15 Baker St and 642 Hall Ave.Osdoba and LeTendre Ltr.1-14-15](#)
[15 Baker St and 642 Hall Ave.King-LeTendre Ltr.5-7-15](#)
[15 Baker St W-642 Hall Ave.King Settlement Ltr](#)
[15 Baker St W-642 Hall Ave.Tier One estimate](#)

To be referred back to Legislative Hearing August 5, 2014 at 11:00 a.m. and City Council Public Hearing on August 20, 2014.

RE: 642 Hall Avenue (Single Family)

Roger Hodge, owner, appeared.

Inspector Steve Magner, Vacant Buildings:

- 15 Baker Street West: the previous Orders were voided and a Summary Abatement was issued and reads: Other: Retaining wall has failed and collapsed. Immediately, remove retaining wall; stabilize soils in a sound and professional manner to prevent erosion of embankment.

- 642 Hall Avenue: the previous Orders were voided and a Summary Abatement was issued and reads: Other: Accessory structure is in danger of being undermined due to unstable soils following the collapse of retaining wall. Immediately, stabilize the soil under the east side of garage. Perform all necessary work in a professional manner to stop the structure from being undermined.

- DSI is asking that individual parties take care of their responsibilities on their individual properties

Mr. Hodge:

*- he has approached Mr. Murphy about having access to his property so that he can stabilize his building and Mr. Murphy denied him access
- he now has an attorney
- his attorney told him to give Mr. Murphy his card and have his attorney contact him (Mr. Hodge's attorney); Ms. Murphy said that she did not want Mr. Hodge's attorney's card*

Ms. Moermond:

- told Mr. Hodge to have his attorney send a letter, in that case

Mr. Hodge:

- his attorney told him to just wait and no doubt Mr. Murphy's attorney would contact him; so, this past Fri, Mr. Murphy's attorney called his house and wanted Mr. Hodge to call him; he gave the name and number to his attorney; he can handle it
- his attorney is not present here today
- his attorney told Mr. Hodge to say that he is working on getting a structural engineer to evaluate the situation and offer suggestions on what can be done
- his attorney also told Mr. Hodge that he is going to talk with Mr. Murphy's attorney to try to work something out
- his attorney said that he has dealt with cases like this before
- his attorney is representing Mr. Hodge on everything

Mr. and Mrs. Murphy:

- they are appealing the Summary Abatement Order, dated Jun 5, 2014
- they have retained counsel; they are providing his contact information today
- his attorney has discussed the matter with Mr. Hodge's attorney
- they intend to get the advice of an engineer
- they request a 30-day continuance to comply with the city's Orders
- his decision to deny Mr. Hodge access was based on: 1) Mr. Hodge repeated 3 times here last time that he did not need access to Murphy's property to do the work, which was puzzling to him because there is only 18 inches of distance between the property line and the building; also, 2) Mr. Hodge approached him at 7 am on a Sunday morning, when he was sound asleep; the dogs were barking; Mr. Murphy told Mr. Hodge that he would give him a call later about it; when he did call, he got Mr. Hodge's machine so, left a message at 9:15 am that same Sunday and said, "No; we'll be talking to our attorney; we will let you know after that."
- their contention is that replacing the retaining wall is not their responsibility based on all of the evidence

Ms. Moermond:

- it's her job to sort through what the public nuisance is vs. the private matter between the Hodges and the Murphys and to hold them accountable to handle the public portion of this; we will let the attorneys handle the private portion of this matter
- the city's part says, the building needs to be stabilized and you need to get all of that out of your yard to stabilize the soil; one way to stabilize the soil is to get that retaining wall replaced (permanent measure)

Ms. Moermond:

- how far have you gotten with the clean up?

Mr. and Mrs. Murphy:

- they have already taken some of the debris out of the way
- they were not planning on doing anything further
- a 6-foot high retaining wall now is spread out over 12-15 feet into our yard
- timbers are stuck in the mud; they will need to cut them up with a chain saw

Ms. Moermond:

- how many days do you want to stabilize the garage or to get an engineer's report that says you don't need to stabilize it (the city engineer would need to OK that)?

Mr. Hodge:

- I'd have to contact my attorney to see if he has a structural engineer yet; he just called yesterday about getting a structural engineer
- if he had access, he could shore up the building but he doesn't have access
- one thing he could do without going onto Murphy's property is that he could run poly alongside his building, covering up the soil so that when it rains, it would not wash

down more soil; and he could do that on his own property
- the other thing that he's found out since he was here last is that when it rains, the water runs down the alley; at his property, it turns and goes to where the retaining wall was; he put some dirt along the alley to try to build it up so that the water just doesn't run down the alley that way

Mr. Magner:

- at this point, the issue needs to be dealt with in one continuous operation; the wall is still acting as a barrier to keep the rest of the soils in place; if they were to remove the remaining parts of the wall, we would see more degradation of the soils; he doesn't think that's going to stop until there's some mechanical system put into place to retain the soils from the higher elevation
- maybe, at this juncture, it would be prudent to give the parties some extension of time to seek information from their legal counsel and information from their hired engineering firms to determine what is the best outcome and then, submit that to the city for review so that the city could issue the appropriate permits and allow the project to move forward
- he doesn't think that a 30-day extension seems unreasonable
- he doesn't know if there's anything else that can be done to alleviate things short of removing the building and changing the grade
- if we continue to get rain, we are going to continue to have degradation of the wall
- the only thing they can do now is to try keep as much run-off away from the situation
- from some recent photos taken by DSI, he knows that the gutter system is currently on the building and hopefully, it can stay there until this issue can be further resolved

Mrs. Murphy:

- the gutter system doesn't work; the water flows out into their yard

Mr. Magner:

- the gutter system that he saw in a photo, and what he knows from talking to the inspector, is getting the water away from the immediate corner of the structure; he doesn't know where it's going from there and he doesn't know the pitch of that alley; it is something that ultimately, needs to be addressed - the engineers need to figure that out

Mr. Murphy:

- they had a contractor come to look at the situation; they would love to have a permanent structure made of concrete block that would allow for drainage and hold up the building; the contractor said that if they would take the job, it would need to be engineered
- this engineered plan will have to be one that's mutually agreed upon and one that we both can work with
- the comment was made that usually, in a situation like this, they raise the building up, erect the wall and then, bring the building back down, in which case, you could also move it because the 18 inches setback is a big deal to them and it's causing a problem for how they rebuild the wall
- the other thing, just for the record, they looked at where the wall fell down and they said that they didn't know how they are going to do this wall without coming around the corner at that north wall; it's showing some bow - it's not a "forever" wall; getting that person involved is another whole kettle of fish
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Ms. Moermond:

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- at City Council Public Hearing Jul 9, 2014, she will ask CC to send it back to LH Aug 5, 2014
- said that Mr. Hodge could put down poly, under permit; a building inspector needs to sign off on it (a safe, temporary option)

Referred to the City Council due back on 7/9/2014

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 38** [RLH VO 14-19](#) Appeal of Yolanda Thompson to a Correction Notice-Complaint Inspection (includes condemnation) at 502 BELLOWS STREET.

Sponsors: Thune

Attachments: [502 Bellows St.appeal.6-10-14](#)
 [502 Bellows St.Thompson Ltr.6-26-14](#)

Appellant arrived late and LHO rescheduled to June 24.

Laid Over to the Legislative Hearings due back on 6/24/2014

2:30 p.m. Hearings

Vacant Building Registrations

- 39 [RLH VBR 14-48](#) Appeal of Joan Bassing to a Vacant Building Registration Notice at 924 COOK AVENUE EAST.

Sponsors: Bostrom

Attachments: [924 Cook Ave. E.appeal.6-6-14](#)
[924 Cook Ave. E.SAO.5-28-14](#)
[924 Cook Ave. E.Order to Vacate.5-21-14](#)
[924 Cook Ave E.Photos.5-28-14](#)
[924 Cook Ave E Letter.6-20-14](#)

Waive the Vacant Building fee to July 18, 2014.

RE: 924 Cook Avenue East (Single Family)

*Joan Bassing and Kelly Connor, owners, appeared.
Raymond Williams and Dawn Blasen, Contract for Deed owners, appeared.
Colleen Walbran, Southern Minnesota Regional Legal Services, (SMRLS) appeared,
representing Mr. Williams and Ms. Blasen.*

Fire Inspector A. J. Neis:

- it is unique as to how this was received by the Fire inspectors*
- emergency complaint came in by the St. Paul Police Dept on May 20, 2014*
- received a call by dispatch requesting that a Fire inspector report to the scene at 924 Cook Ave E*
- inspector noticed that Cook Ave between Forest and Earl had been blocked off by multiple squad cars*
- Officer Kantorowitz asked the Fire inspector to enter the house because the electricity to the building had been shut off, wanting to know if it should be Condemned for lack of basic facilities; during that inspection, Fire inspector noted that there was a strong dog odor permeating from the north entry into the rest of the house*
- the inspector entered the north entrance and notice some code violations: damaged storm door; missing globes; general disrepair and maintenance issues; he also noticed the lack of ground cover and several unlicensed dogs in the yard*
- upon entering the home, there were multiple officers and occupants in the house; it was so crowded that the inspector had to ask the officers if they would take some people outside so that he could continue his inspection*
- inspector spoke with some of the occupants and confirmed that the home was actually registered under a Contract for Deed; so, that not being in Fire Inspection's realm, he called over to Code Enforcement to get Inspectors Singerhouse and Smith out to the property, who continued the inspection and wrote Condemnation Orders:*
- reading the inspectors' notes: there were several officers involved and there may have been some arrests made*
- Fire Inspections forwarded the file to Code Enforcement*
- 3 dogs: pit bull, American bulldog, Jack Russell*

Inspector Matt Dornfeld, Vacant Buildings:

- May 20, 2014, Code Enforcement Inspector Ed Smith was at the property; per Xcel, the electricity was shut off; also documented that there was no smoke or CO detectors; interior of house was filthy, cluttered with the smell of animal urine and feces; illegal bedroom units in the basement and upstairs; combustible items near furnace and water heater; blow torches in rooms appeared to be tied to drug use; garbage inside house drawing insects; property Condemned immediately for lack of basic facilities; Inspector Smith placarded the house and Ordered the immediate vacate

- May 27, 2014, Vacant Building Inspector Tom Friel responded to the referral and noted that it was a 1-story wood frame single family house that was Condemned by Code Enforcement; house may still be occupied; has defective/broken/missing storms and screens; defects found in foundation; deteriorated chimney, as well; gross unsanitary conditions inside of house documented inside Condemnation Report; east side window open at time of inspection; detached 2-car garage has open door, bags of recyclables, trash; trailer in back with refuse, junk, debris, as well as household items in the yard

- Inspector Friel opened a Category 2 Vacant Building per Condemnation

- several photos in file: interior and exterior

- disorderly illegal bedrooms; graffiti in the basement; haphazard illegal wiring; extremely cluttered

Ms. Moermond and Ms. Walgran viewed the photos in the file along with the other photos of: lack of ground cover; excessive trash; broken screens; general uncleanliness of home; cracking in walls and ceilings; disrepair of floor; unapproved locks on doors; missing light globes and fixtures; unapproved electrical; lots of smoking paraphernalia; clutter; improper piping on plumbing; trash; garbage on floor; filthy stove; dangerous electrical conditions; propane lanterns; storage underneath stairs; combustibles; illegal locks on doors or illegal rooms; illegal sleeping room in basement; wet basement; etc.

Mr. Williams:

- the trailer was there to haul stuff away; he has already taken away 2 trailers full of stuff away

- that one room is not a bedroom, it's a storage area

Mr. Neis:

- the house looks as though it must have gone through a code compliance inspection at one time but the occupants, basically, destroyed it

- the photos speak for themselves

Mr. Bassing:

- it had been a Cat 2 VB and was brought up to code

Ms. Walbran:

- she represents the Contract for Deed owners; they are the current occupants of the property

- the vendors are Ms. Collins and Ms. Bassing, the original owners

- her clients have told her that they have come into compliance with the majority of Orders; there's just a little clean-up left in the basement

- they didn't receive advance notification that there was going to be a termination of utility service; they were surprised by it and weren't able to respond right away; they submitted an application to Ramsey County in hopes of being granted emergency assistance to cover the bill and have service restored

- wanted the city to consider the fact that the house is owner-occupied and that they have made great strides

- currently, the house doesn't rise to the level of being hazardous and should not be on the VB list
- is asking for some time to get the power back on and to get confirmation that the habitability issues and life-safety issues have been corrected
- hope that it could be removed from the VB list and not have to go through the Code Compliance Inspection process

Ms. Moermond:

- it's apparent that there were behavioral issues that accompanied the code problems
- asked who was all living there and how does all this fit together

Mr. Williams:

- explained that during the winter, he does snow removal and one of his nephews came to help him do snow removal; it was easier for him to stay at the house instead of going across town to get him in a snow storm and after they'd finish a round, he'd go back home; however, after a while, he just wouldn't leave; then, he became very rude and insulting to Ms. Blasen, threatening her, etc. so, she had to call the police on him

Ms. Blasen:

- they have 2 sons: 15 and 9 and they are well behaved
- Mr. Williams nephew is 25 and he is no longer living there

Mr. Neis:

- in the past couple of months, there have been 4 complaints on exterior issues; one had to be abated by Parks (remove a pile of rubbish in the corner of the rear yard, tires, trash, aquarium near garage, etc.)
- this property has had a history of using city resources to clean up

Mr. Williams:

- they have been going to the house to clean-up every day
- he believes that his nephew had tried to break in; he would not have feared their big American Bulldog as others would
- smoke detectors and CO alarms are installed
- they just made a \$400 Xcel payment; there's \$1,000 left on the bill

Ms. Moermond:

- one smoke detector needs to be hardwired
- suggested that Inspector Smith go to take a look to see the progress that has been made

Mr. Dornfeld:

- will have Inspector Smith make arrangements for an inspection appointment

Ms. Moermond:

- the occupants can get back into the house if they can get these Orders (May 21st letter) cleared with Inspection Smith
- you will have 1 month extension for compliance
- we will get you out of the VB Program without fees if compliance is reached in 1 month

Referred to the City Council due back on 7/9/2014

40 [RLH VBR 14-47](#)

Appeal of Gary Walker to a Vacant Building Registration Notice at 1011 VICTORIA STREET NORTH.

Sponsors: Brendmoen

- Attachments:** [1011 Victoria St. N.appeal.6-5-14](#)
[1011 Victoria St N.Fire C of O Revocation.5-28-14](#)
[1011 Victoria St N.Walker Ltr.6-20-14](#)
[1011 Victoria St N.Walker Ltr.6-27-14](#)

STAFF REPORT: change from Category VB 2 to 1 and get Building Inspector Virgil Thomas to re-inspect the property to have the building permit finalized. If the permit is not approved, will re-visit the VB status. In the meantime, the VB fee is waived for 30 days.

RE: 1011 Victoria Street North (Single Family)

Gary Walker, father of owner, Timothy Walker, appeared.

Mr. Walker:

- I'm fixing up the house; I live on the Canadian border

Ms. Moermond:

- Fire Order and Vacant Building issue

Matt Dornfeld, Vacant Buildings:

- was a Category 1, Fire Exempt Vacant Building file opened in Feb 2009*
- plumbing, building and electrical permits were pulled; the work lagged on for several years, permits remaining open; it was mistakenly not changed to a Category 2 VB and remained a Cat 1 VB that whole time*
- last last summer, they received a complaint (and a council complaint) that the building was being occupied; they were unable to confirm that but there was a strong possibility that those complaints were true; the permits still remained open although a lot of the work had been completed*
- he had spoken with the property owner many times on the phone and did get him to get the plumbing and electrical permits finalized; a building permit remained open*
- complaints continued coming from the neighborhood*
- building inspector Virgil Thomas wet out and documented that there was just a little work left to be done; he gave Mr. Walker many chances to get the building permit finalized; it just didn't happen*
- Mr. Wagner decided to give up on the VB file and advised to close it; and due to possible non-owner occupancy, transfer it to the Fire Inspection Division for monitoring; then, Inspector Martin took over the file to monitor the property thru this building permit phase*

Fire Inspector A. J. Neis:

- when they found out that the majority of permits were finalized, he spoke with Mr. Wagner and they agreed to re-assume the file, make it a Certificate of Occupancy building, write Correction Orders and walk the owner thru the process in order to get the work done (Aug 2013)*
- the property owner had advised the inspector in Aug 2013 that they intended to be done with the handrail, guardrail, etc and get the permit filed within 60 days, which came and went with no progress*
- the C of O was Revoked for noncompliance*
- in Feb, an appeal was filed and Ms. Moermond agreed to give the property owner additional time to get all the permits finalized and approved or the building would be sent to the VB Program; it's the middle of Jun and there still is no compliance*

Mr. Dornfeld:

- now, it was made a Cat 2 VB

Mr. Walker:

- he was waiting for an inspection in Apr when he had a sudden death in the family and he had to go to Arkansas; the inspection was put off; when he came back, he fell backwards down the stairs and hurt his hip
- he got back here at the end of May; everything was done so he called Virgil Thomas but it was too late; it had already been changed; he didn't have much to do: 3 closets and put up handrails
- it's definitely ready for inspection now
- the reason it's taken so long is because of his own health problems; it takes him 2-3 times as long to do something as it used to; he was diagnosed with severe arthritis in both hands; also, his electrician got sick and was gone for about 1 1/2 yrs; he tried to get someone to finish up for him but he couldn't get anyone; it's all taken care of now
- he'd like to get Mr. Thomas back out there; get it taken care of and get out of here
- he literally gutted everything; nothing is there now that was there; everything is new
- all done to code
- he's the only one that's been there, off and on, all of this time since sometime in 2012; he doesn't understand about the complaints; he came and worked, then would go home for 5-10 days and come back
- the check list is all done; Virgil Thomas found 3 items; it has been since last Apr
- all the guardrails are on the stairs; there have always been house numbers on the house

Ms. Moermond:

- we don't have a sign-off on the permit
- the house numbers need to be reflective
- what about the stairs
- and what about repair and maintain the floor

Mr. Neis:

- there was a note back from the building inspector back in Jul 2013 that said that they would need to get a variance on that

Mr. Walker:

- the stairs is all done
- he doesn't need a variance; it's all fixed; he re-did the whole stairs - made it 36 x 40 inches wide with a head height now at 82 inches at 2nd floor stairs
- ceilings are all done, too; along with the walls; the upstairs walls aren't painted yet but will be, of course (Virgil Thomas said they didn't need to be painted yet)
- floor: he had a 2 x 3 ft section that he had taken out; now, the whole house has been re-floored; he had to take the section out where the guardrail went because he wanted to put in reinforcements; all is done

Ms. Moermond:

- thinks it would be a good idea to get Virgil Thomas back out there again
- as soon as he signs off on the building permit, we don't have an issue anymore
- make an appointment with Mr. Thomas ASAP

Mr. Walker:

- he has already called him once; he's busy

Ms. Moermond:

- it makes a lot of sense at this point to call this a Cat 1 VB and get Mr. Thomas out there to clear the permit
- we'll do a staff report next Tue, Jun 24 at LH; if it hasn't been taken care of by next Tue, we'll set Mr. Walker up for another hearing

Mr. Dornfeld:

- will sent Virgil Thomas an email right now

Mr. Neis:

- asked if this is a Certificate of Occupancy building?

Mr. Walker:

- his son bought this house to live in it, originally; then, he got a job in Tucson, AZ (he teaches (wet) photography); next, it looks as though he will be moving to Ohio, possibly, and he will have to sell the house; they won't rent it out anymore; no one will be moving in

- Mr. Walker will be using the house when he comes down to the cities; he will continue to do things around the house; maintain it

Ms. Moermond:

- let's make this a non C of O building

- explained that in order to sell the house, they will need to get a Truth in Sale of Housing inspection report, done by a private inspector

'- staff report Tue, Jun 24 LH

Laid Over to the Legislative Hearings due back on 6/24/2014

3:00 p.m. Hearings

- 41 [RLH OA 14-8](#) Appeal of Robert and Diane Eisbach to a denial of a Request for Fence Variance at 1715 FIELD AVENUE.

Sponsors: Tolbert

Attachments: [1715 Field Ave.appeal.6-10-14](#)
[1715 Field Ave.Eisbach Ltr.6-20-14](#)

Grant a variance on the fence issue. NOTE: 10 letters from clients or neighbors were received in support of property owner.

RE: 1715 Field Avenue (Single Family)

Diane L. Eisbach, owner, appeared.

Ms. Moermond:

- Fence Permit has been denied by the building official

- Appellant is looking for a variance

Ms. Eisbach:

- the fence has been up for 10 years; she wants to keep the lattice privacy panels on the top of the existing 8 foot fence

- he daycare parents are concerned; they don't want those panels removed because there's a very scary man living next door, who spies on them

- the parents wrote letters with their concerns

- the scary man has cameras pointed at her deck where the daycare kids are

- entered photos

- the Eisbach's have lived there for over 20 years and he has watched them all this time; and they have had nothing but issues with him

- a professional told her that this scary man has the classic symptoms of someone you need to worry about

- he has 5 padlocked gates; he has cameras all around; he watches them all the time; and he has guns - hunting guns
- her daycare parents are afraid
- there is not a safety issue with the fence/panels; they hired a welder who pounded them into the ground - steel cabled to the garage, tree and ground

Fire Inspector A. J. Neis:

- this was generated by a couple of complaints received by DSI; the complaint was that a person was adding 2-3 feet on top of a 6 foot fence that was blocking sunlight; another complaint said that the property owner had put up a larger fence that was 8 1/2 feet tall and it wasn't legal and asked the city to have it removed

Ms. Eisbach:

- the neighbor is not interested in air or light; his windows are covered completely; he is interested in watching them and her daycare kids

Ms. Moermond:

- asked if they have called the police

Ms. Eisbach:

- she has called the police about: 1) his pulling the ground up on their lawn; and 2) sprayed graffiti on their fence (has photos); the police said that it was her word against his
- he forced a daycare parent back with his car; she was trying to park in front of their house and he forced her car back with his car
- he'd would tell daycare parents that they couldn't park in front of her house
- if these panels are gone, her peace and security are also gone

Ms. Moermond:

- asked if she has gone for a restraining/harassment order

Ms. Eisbach:

- they told her that she had waited too long; it's really hard to get an harassment order
- the police told her that she needed to take pictures of him doing these things; we don't see him doing these things; how can we take pictures
- he added the cameras just this last year
- the man filed an harassment suit against her in Dec 2013; he sent the police to her door and said that she was putting notes in his mailbox about his barking dog; she doesn't care about his barking door
- then, he said that she had sent her daycare parents over there, which is laughable because they wouldn't do anything like that
- she asked her neighbors if any of them had problems with his barking dog and she found out who put the notes into his mailbox
- he was turned down for the harassment suit; then, he requested a hearing, so, she brought the neighbor who had done it with her to the hearing to testify; he lost; however, she was concerned about what he might do next and this is what he's doing next - the cameras
- he seems to have this insatiable hatred that started when they put up the fence
- he has a lot of time and money
- she is worried about why he is watching them
- last summer while she was working in her garden, a guy, who lives at the end of the block came to her and started asking her questions about this man and he said that the scary man was stalking his kids - he kept driving by his house very slowly starring at his kids; he said that he has seen him doing that from inside his house, doing it over and over again; finally, he went out and he threw something at his car and told

him to "Get the hell out of here and don't ever come back."

Ms. Moermond:

- this whole thing reeks of pedophilia
- asked if Ms. Eisbach has had conversations with the sex crime unit at the police dept

Ms. Eisbach:

- she feels that calling the police is like beating her head against the wall; they haven't helped her at all in 20 years with this man
- is afraid of what might happen if the panels are taken down

Ms. Moermond:

- will scan the letters for the file
- took a RECESS at 3:55 p.m. to make some calls

The hearing reconvened at 4:07 p.m.

Ms. Moermond:

- she has 5 letters from daycare parents, some very specific about behavioral problems with the neighbor; will make copies of them but will not put them on the record
- she called the Western District Police to ask them how you would be best advised to work with them - have a conversation about things that don't feel right in your gut that are happening; this is not her thing; it's a police matter; provided phone numbers: Cmdr Paul Iovino: 651/266-5566; may end up talking with Chuck Graupman: 651/266-5712; she spoke briefly with the Cmdr, making this referral so that you have a contact (don't need to follow through); she thinks that Ms. Eisbach should have a conversation with them about all of this; maybe she can get some good advice and they would be aware of the situation
- the fence looks like you have a 6 foot fence with decorative elements on top of it that she would not include as being part of the fence; it's decoration
- will recommend this appeal be granted

Referred to the City Council due back on 7/9/2014