



# 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*  
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*651-266-8585*

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Tuesday, June 3, 2014

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1 [RLH TA 14-294](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1404E, Assessment No. 148306 at 26 SYCAMORE STREET WEST.  
  
**Sponsors:** Stark  
  
*Forthcoming. (Staff Report from Inspector Seeley)*  
  
**Laid Over to the Legislative Hearings due back on 6/17/2014**
  
- 2 [RLH TA 14-310](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1407T, Assessment No. 149007 at 2370 HENDON AVENUE.  
  
**Sponsors:** Stark  
  
*No show - approve the assessment.*  
  
**Referred to the City Council due back on 7/23/2014**
  
- 3 [RLH TA 14-309](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1407T, Assessment No. 149007 at 839 HOWELL STREET NORTH  
  
**Sponsors:** Stark  
  
*No show - approve the assessment.*  
  
**Referred to the City Council due back on 7/23/2014**
  
- 4 [RLH TA 14-342](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 99 ACKER STREET EAST.  
  
**Sponsors:** Brendmoen

*No show - approve the assessment.*

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

- 5      [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

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 6/17/2014**

- 6      [RLH TA 14-324](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1755 BLAIR AVENUE.

**Sponsors:**      Stark

*Delete the assessment.*

*RE: 1755 Blair Avenue (Single Family)*

*Chaim Teitelbaum, C of O Responsible Party, appeared.*

*Inspector Joe Yannarely:*

*- Snow and Ice Order Feb 25; compliance in 48 hours; re-checked Mar 3, 2014  
- work done Mar 6, 2014 for a cost of \$40 + \$160 service charge = \$200 (just salt and sand)*

*Ms. Moermond:*

*- without looking at it further, she will recommend this assessment be deleted because of the amount of snow that had accumulated in the meantime*

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

- 7      [RLH TA 14-328](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 733 BRADLEY STREET.

**Sponsors:**      Thune

*Reduce the assessment from \$486 to \$243.*

*RE: 733 Bradley Street (Apartments)*

*Scott Qualey, S Q Ft Properties, responsible party, appeared.*

*Inspector Joe Yannarely:*

*- Summary Abatement Issued for broken, discarded furniture in front yard Mar 5, 2014; compliance Mar 10; re-checked Mar 11; Work Order issued  
- work done Mar 13 for a cost of \$326 + \$160 = \$486*

*Mr. Qualey:*

*- he went by and checked in on Mar 10 and everything had been removed*

- his tenant was moving had a Waste Management bag out front; he went by that Sun and talked to her; she said that it would be gone on Mon, Mar 10; it was gone Mar 10  
 - he got a phone call at 9 am on Mar 11 that there was a truck from Metzger Bldg Materials dropping some garbage back into the front yard at this address; he found out later, that the tenant had moved it down in front of a business and they knew where it came from, so they returned it the morning of Mar 11  
 - he was there on the evening of Mar 10 and it was gone but he didn't know that she had illegally dumped it somewhere else  
 - on Mar 11, his understanding was that his tenant actually hauled it away  
 - do you know if it actually got hauled away?  
 VIDEO - loose and scattered trash, debris; tires; broken/scrap wood; junk; furniture  
 - this VIDEO was from the rear of the building, not from the front  
 - at the same time, there was a pile of furniture in the front yard; there was a couch, a chair, a Waste Mgmt bag, and other assorted furniture and household goods that she had hauled away and got returned  
 - is there no VIDEO of the front of the building

Mr. Yannarely:  
 - apparently not

Ms. Moermond:  
 - there's a check mark by Remove improperly stored or accumulated refuse including: garbage, rubbish, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from yard areas. In all Caps: BROKEN/DISCARDED FURNITURE AND DEBRIS FRONT YARD AREA.  
 - she doesn't want to reward this bad behavior; even though you didn't do it, you are still responsible for your property  
 - the picture was taken in front of the house  
 - will Recommend this assessment be reduced by half to \$243

Mr. Qualey:  
 - he thought it was all done; he didn't get this in the mail until 2 months after that he had given her deposit back; he thought it had been cleaned-up and taken care of; he didn't know we were talking about the back yard

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

- 8 [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

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 6/17/2014**

- 9 [RLH TA 14-335](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 286 BURGESS STREET.

**Sponsors:** Brendmoen

*No show - approve the assessment.*

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

- 10 [RLH TA 14-326](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 606 BUSH AVENUE.

Sponsors: Bostrom

*No show - approve the assessment.*

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

- 11 [RLH TA 14-345](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 594 CASE AVENUE.

Sponsors: Bostrom

*Approve the assessment.*

*RE: 594 Case Avenue (Duplex)*

*Larissa Shaar, property manager, appeared.*

*Inspector Joe Yannarely:*

- Summary Abatement Order issued for overflowing garbage on Mar 14, 2014; compliance Mar 18; re-checked Mar 18*
- Work Order sent to Parks; work done May 19 for a cost of \$288 + \$160 = \$448*
- sent to Jeffrey Sutphen, 3840 Monaltrie Ave, Wayzata, MN; Scott Brecher, 684 Pine Timer Ln, Hudson, WI*

*Ms. Shaar:*

- they use Walters Garbage Company; we got the SA saying there was garbage, so, she called the tenant and asked why the garbage was outside and why there's a mess outside and they said it was because Walters never picked up the garbage*
- she called Walters, who said there were no notes from the garbage man so they don't know why it wasn't picked up; somehow it was overlooked; a lot of it was put outside; that happened several weeks with Walters*
- she had the maintenance guy go out to pick up the bags because the tenants said they couldn't get them up; the maintenance person said the bags were frozen to the ground*
- she went to the tenant's house and tried to pick up as much as she could; she told the tenants not to put any more garbage outside when the garbage can was full*
- they are switching garbage companies since Walters can't give them a good answer on why they didn't pick it up*

*VIDEO - overflowing containers, etc.*

*Ms. Shaar:*

- part of the problem is that when the card/letter comes, it goes to Jeffrey Sutphen 2 days later; then, he doesn't always get the mail on that day because he's at work; by the time I get the message, it's usually the day of compliance or re-checking; she never knows if they will get there on time*

*Ms. Moermond:*

- suggested that Ms. Shaar will out a Certificate of Occupancy responsible party form; then, she will get Noticed*
- the owner is responsible for taking care of the property and he has delegated that*

*responsibility to Ms. Shaar - a private, contractual arrangement*  
*- here the problem is between the owner and the garbage service - another private, contractual arrangement*  
*- the city doesn't have anything to do with private arrangements*  
*- the city just can't have garbage around*  
*- the loose and scattered stuff had been picked up and probably put into the can*  
*- will recommend approval of this assessment*

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

- 12     [RLH TA 14-320](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 687 CHARLES AVENUE.

**Sponsors:**     Thao

*Delete due to conflicting compliance dates.*

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

- 13     [RLH TA 14-339](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A Assessment No. 148526 at 713 CHARLES AVENUE.

**Sponsors:**     Thao

*No show - approve the assessment.*

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

- 14     [RLH TA 14-319](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1315 CLEVELAND AVENUE NORTH.

**Sponsors:**     Stark

*No show - approve the assessment.*

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

- 15     [RLH TA 14-305](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 507 & 509 COMO AVENUE.

**Sponsors:**     Brendmoen

*No show - approve the assessment.*

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

- 16     [RLH TA 14-333](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409G, Assessment No. 148708 at 1028 CONCORDIA AVENUE.

**Sponsors:**     Thao

6/20/14: Owner called and stated she missed the hearing; rescheduled to July 8.

No show - approve the assessment.

**Laid Over to the Legislative Hearings due back on 7/8/2014**

- 17 [RLH TA 14-311](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1631 CONWAY STREET.

**Sponsors:** Lantry

No show - approve the assessment.

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

- 18 [RLH TA 14-306](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409G, Assessment No. 148708 at 940 EDGERTON STREET. (Amended to File No. J1409G1, Assessment No. 148713) (Public hearing continued from September 24)

**Sponsors:** Brendmoen

To be laid over to September 17, 2014 PH. If no future complaint(s) or work order(s), LHO will delete the assessment.

RE: 940 Edgerton Street (Single Family)

Lor Por Yang, owner, appeared.

Inspector Joe Yannarely:

- failure to provide trash service
- includes a city hauler fee
- Orders dated Mar 14, 2014; compliance Mar 18; re-checked Mar 19
- city dropped off a container for 1 week of service; garbage service was provided right away
- cost: \$50 + \$160 service charge = \$210

Mr. Vang:

- actually, his tenant lives there and he provides him with everything
- he got the Notice so he told his tenant to clean up; they said that they would do it so he left; before he knew it, he got another letter and the garbage was gone; the tenants asked him if he came and took it; he said that he thought the tenants had disposed of it
- he is here because he has no idea what's going on

Ms. Moermond:

- asked staff to check the computer to see if there is a Summary Abatement Order in there for a clean-up at this address

Mr. Yannarely:

- yes, a Summary Abatement Order was abated by Parks on Mar 20, 2014; that Order was issued Mar 14, 2014 (trailer full of garbage; no containers)
- the inspector must have written the SA; had it abated as well as ordering a container
- there have been no city clean-ups since then

- it looks like the city was there for 2 weeks instead of 1

Ms. Moermond:

- there was a pile of garbage; the inspector went out to check that out and notices also that there aren't any garbage cans
- people are supposed to pick up their garbage as well as have garbage service (trash hauler)
- the city went out and cleaned up that pile of garbage on Mar 20 and delivered a city trash container, which was there for 2 weeks

Mr. Vang:

- he provides trash service; maybe they cancelled it; he doesn't know anything about it

VIDEO - city cleaned trash from a trailer and trash on the ground

Ms. Moermond:

- the city will hold the owner accountable
- you appealed the garbage service and it was taken care of in a week
- don't know if you also intended to appeal the trash clean-up
- will ask the City Council on Jul 27, 2014 to LAY this OVER for 2 months; if, in mid-Sep, you haven't had any additional problems, she will recommend this assessment be deleted

10/1/14: LHO checked in STAMP and found that there was a founded complaint for a mattress in the front yard on August 22, 2014. Rec. Approval.

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

- 19     [RLH TA 14-327](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409G, Assessment No. 148708 at 1349 EDGERTON STREET.

**Sponsors:**     Brendmoen

*No show - approve the assessment.*

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

- 20     [RLH TA 14-316](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 509 EDMUND AVENUE. (Amended to File No. J1409A2, Assessment No. 148542) (Public hearing continued from September 24)

**Sponsors:**     Thao

*To be laid over to September 17, 2014 PH. If no future complaint(s) or work order(s), LHO will reduce the assessment from \$458.00 to \$250 and spread payments over 3 years.*

*RE: 509 Edmund Avenue (Single Family)*

*Mao Kou Lor, owner, appeared.*

*Inspector Joe Yannarely:*

- *Summary Abatement Order issued Mar 17, 2014 for a box spring near garage and*

*open containers with trash*

- *compliance date Mar 21; re-checked Mar 21 and found in noncompliance*
- *Work Order issued; work done Mar 24, 2014 for a cost of \$298 + \$160 service charge = \$458*
- *was rehabbed in 2011*
- *only 1 other complaint in Feb and that was done by owner*

*Mr. Lor:*

- *he was waiting for his brother-in-law to help him because he doesn't have a car or a truck*

*VIDEO - removed box spring, etc. and emptied Waste Management container*

- *before that, the box spring was frozen in on the side of the garage; he put it there waiting for his brother-in-law to come*
- *he purchased this property in Dec 2013*

*Ms. Moermond:*

- *it's the owners responsibility to take care of things like this*
- *you had an opportunity to call the inspector and tell him that you were waiting for a truck or trailer, etc.*

*Mr. Lor:*

- *he put the box spring in his garage for 2 weeks; then, he put it back out*
- *he is the only one in his family working and he has 3 kids*

*Ms. Moermond:*

- *will reduce the assessment in half and spread the payments over 3 years if Mr. Lor keep the place clean until mid-Sep*
- *will Lay this Over for 3 months*

*10/1/14: Checked in STAMP and found no complaints since hearing. Reduce from \$458 to \$250 and spread over 3 years.*

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

- 21**     [RLH TA 14-337](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 808 EDMUND AVENUE.

**Sponsors:**     Thao

*6/19/14: Owner called and stated missed hearing. Rescheduled to July 8.*

*No show - approve the assessment.*

**Laid Over to the Legislative Hearings due back on 7/8/2014**

- 22**     [RLH TA 14-336](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A Assessment No. 148526 at 983 EDMUND AVENUE.

**Sponsors:**     Thao

*Reduce the assessment from \$320 to \$100 and spread the payments over 2 years.*

*RE: 983 Edmund Avenue (Single Family)*



Amanda Tallen, owner, appeared.

Inspector Joe Yannarely:

- Summary Abatement Order issued to remove snow/ice on Mar 5, 2014
- compliance in 48 hours; re-checked Mar 11-Inspector Essling found that the walk on the Edmund side is not shoveled full width and no attempt was made on the Chatsworth side; Work Order sent
- photos
- work done Mar 13, 2014 for a cost of \$160 + \$160 service charge = \$320
- VIDEO - Parks shoveled full width; salted and sanded; Chatsworth side not shoveled

Ms. Moermond:

- one side shoveled partially; other side not shoveled
- some attempt was made to open up the corner

Ms. Tallen:

- there was so much snow fall this winter
- their snow blower broker but the shoveler was out there everyday trying to get it all done; he is known to be a very good shoveler

Mr. Yannarely:

- there is no history on this property; no other complaints, ever

Ms. Moermond:

- a good faith effort was made
- will recommend reducing the assessment to \$100 and divide it over 2 years

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

- 23**     [RLH TA 14-323](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1082 ENGLEWOOD AVENUE.

**Sponsors:**     Thao

*No show - approve the assessment.*

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

- 24**     [RLH TA 14-330](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 958 EUCLID STREET.

**Sponsors:**     Lantry

*Delete the assessment because notice was sent in error.*

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

- 25**     [RLH TA 14-302](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 965 EUCLID STREET.

**Sponsors:**     Lantry

*No show - approve the assessment.*

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

- 26     [RLH TA 14-307](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 649 FAIRVIEW AVENUE SOUTH.

**Sponsors:**       Tolbert

*No show - approve the assessment.*

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

- 27     [RLH TA 14-349](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 236 GRAND AVENUE.

**Sponsors:**       Thune

*Approve the assessment.*

*RE: 236 Grand Avenue (Gas Station)*

*Lisa McCormick, Attorney representing Grand Holding Co LLC, owner, appeared.*

*Inspector Joe Yannarely:*

*- Snow and Ice Order issued Feb 19, 2014; compliance 48 hours  
- Feb 26: Inspector Ross had a conversation with Ms. McCormick, who requested that the city clear the sidewalk; so, he sent the Work Order and city performed the requested abatement on Mar 5, 2014 for a cost of \$160 + \$160 service charge = \$320*

*Ms. McCormick:*

*- an attempt had been made to remove the snow/ice but they had not been able to clear it full width and after a significant snowfall, she called and spoke with Mr. Ross to have the city come out and clear the sidewalk  
- there had been pedestrian complaints and they try to be proactive  
- she spoke with Mr. Ross on a couple of different occasions related to this and he told her that there would be a \$160 charge but he never mentioned any additional fee(s); and it's not that they didn't comply - they were proactive and requested that the city do the work  
- knows that this is unusual for they wanted it to be done for the safety of the pedestrians since they were unable to do it right  
- they acquired the property a short time ago and since the previous owner had serious problems with neighborhood, they are trying to overcome that reputation  
- is here to ask about the additional charge(s)*

*Mr. Yannarely:*

*- this was the 3rd complaint this winter (Jan 7, Jan 28 and this one); Ms. McCormick: those previous ones were resolved*

*VIDEO - some shoveling had been done; city opened it full width, as requested; salted and sanded*

*Ms. Moermond:*

- so, the inspector failed to mention the service charge that would be attached to this

*Ms. McCormick:*

- they have no issue with the \$160, the initial charge
- they didn't want to appear as though they weren't being compliant; they are trying to be accountable and on top of things
- there is just a narrow piece of land between the street and the sidewalk and there would be huge chunks of ice and hard snow thrown over from plowing the street - very difficult to remove, so, they tried to at least do a small path for pedestrians
- and, the 2 prior complaints had been resolved

*Ms. Moermond:*

- in the previous week, 7 inches of snow fell and the day after the letter went out, another 8 1/2 inches fell; then, another 1 1/2 inches - just kept coming
- it is impossible for her to discern which snow is which
- sees that some attempt had been made
- the letter says, "\$160 per hour with a 1/2 hour minimum; sand and salt is \$80 per hour with a 1/2 hour minimum. This fee, plus administrative costs will be added to the special assessments against the property to be paid with the real estate taxes."

*Ms. McCormick:*

- that's what prompted her to contact the inspector and in her letter, she clarified that the salt and sand weren't necessary; she followed up with him on that and he said the salt and sand was something they did automatically

*Ms. Moermond:*

- there is no extra charge for salt and sand if they are out there already removing snow and ice
- there were problems this winter with huge chunks of snow and ice because of the large amounts of snowfall in addition to the very low temperatures
- she'd have more sympathy if this were a residential area but this is a commercial business on a corner and it should be opened up; she is sure that the snow removal companies have little bobcats or skidders that can handle those kinds of circumstances
- she is not inclined to cut Grand Holding Company a break on this
- a commercial business on a corner has some extra responsibilities attached to it

*Ms. Moermond:*

- will recommend approval of this assessment
- the owner had definitely made an effort to get the work done by proactively asking the city to do the snow/ice removal

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

**28**     [RLH TA 14-347](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1724 HAGUE AVENUE.

**Sponsors:**     Stark

*Snow and ice letter never issued, delete the assessment per recommendation of DSI staff to LHO.*

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

**29**     [RLH TA 14-332](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409G, Assessment No. 148708 at 975 HUDSON

ROAD.

**Sponsors:** Lantry

*An Order to Provide Garbage Hauling Service was never issued to the property owner, however, a letter was sent to PO and to Parks on February 26, 2014 regarding weekly garbage service. The letter was sent in error and the city should not have dropped a container or provided service at this property. Steve Magner, Manager of Code Enforcement, recommends deleting the assessment.*

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

**30**     [RLH TA 14-350](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1409 Assessment No. 148813 at 1487 HURON STREET.

**Sponsors:** Stark

*Reduce from \$1595 to \$800.*

*RE: 1487 Huron Street (Single Family)*

*Susan Holm appeared.*

*Ms. Moermond:*

*- Registered Vacant Building fee \$1440 + \$155 service charge = \$1595*

*Ms. Holm:*

*- looking for a reduction or elimination*

*Ms. Moermond:*

*- you were in the VB Program for about half a year*

*Ms. Holm:*

*- is a rehabber; the project was completed Nov 22, 2013*

*- was hoping for more than a half year reduction*

*Ms. Moermond:*

*- you will need to go to the City Council Public Hearing for that*

*Mr. Yannarely:*

*- we closed the file with the Code Compliance Inspection Report Mar 11, 2014*

*- the plumbing permit was finalized Mar 7, 2014*

*Ms. Holm:*

*- the house is sold*

*Ms. Moermond:*

*- will recommend the VB fee be reduced to \$800*

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

**31**     [RLH TA 14-315](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 816 HYACINTH AVENUE EAST.

**Sponsors:** Bostrom

*No show - approve the assessment.*

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

- 32**     [RLH TA 14-312](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 869 JENKS AVENUE.

**Sponsors:**     Bostrom

*No show - approve the assessment.*

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

- 33**     [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

*Forthcoming. Hearing Officer to confirm with Fire inspector about communications between new inspector assigned and owner.*

*RE: 405 Jessamine Avenue East (Three/Four Family)*

*Michael Hawes, responsible party, appeared.*

*Inspector Joe Yannarely:*

- Registered Vacant Building fee
- Vacant Building file opened Dec 12, 2013
- Certificate of Occupancy was granted Mar 27, 2014
- this has been here before; toward the bottom, there are some noted from Ms. Moermond

*Ms. Moermond:*

- it says that when I talked to Mr. Hawes, Jan 14, 2014, she asked DSI to waive the VB fee for 30 days in order for Mr. Hawes to finish; it was 6 weeks after that deadline, when he actually did finish

*Mr. Hawes:*

- it was finished at the time of deadline but the Fire Inspector scheduled the final inspection after those 30 days

*Mr. Yannarely:*

- the C of O inspector was James Thomas
- he can't get into their notes

*Mr. Hawes:*

- I think they had let one inspector go and then I was assigned to James Thomas

*Ms. Moermond:*

- she will look into that and make a decision
- right now, the way it stands, she would recommend the City Council go for 3 months of the VB fee, which would be \$400; she would decrease it depending on what she finds out from Fire in terms of scheduling and their records

Mr. Hawes:

- he sold the house and they took the VB fee from the closing and already paid the fee (\$1595)
- can that be refunded; that was assessed at closing
- it should show that it's paid

Ms. Moermond:

- the rub is that by paying the VB fee, you basically, agree with the fee
- she will consider this and talk to the folks in Real Estate, as well, as to how they would look at this
- she understands that it was paid in order to expedite the sales transaction
- she will find out about the scheduling and then, a possible refund
- will LAY this OVER for 2 weeks to Jun 17, 2014 LH
- we can email if you choose not to come at that time

**Laid Over to the Legislative Hearings due back on 6/17/2014**

**34**     [RLH TA 14-346](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1035 MAGNOLIA AVENUE EAST. (Amended to File No. J1409A1, Assessment No. 148540) (Public hearing continued from July 23)

**Sponsors:**         Bostrom

*Approve the assessment.*

*RE: 1035 Magnolia Avenue East (Single Family)*

*Eng Ng appeared.*

Ms. Moermond:

- 2 assessment: 1) Clean-up; and 2) Excessive Consumption

Inspector Joe Yannarely:

- we recommend that the Excessive Consumption assessment be deleted (it was done by owner and it was a pre-authorized work order, which shouldn't trigger a fee)
- Summary Abatement Order for an old door, box, animal carriers, rubbish, debris in yard
- SA issued Feb 28, 2014; compliance date Mar 6; re-checked Mar 6 and found in noncompliance
- Work Order issued; work done Mar 100, 2014
- cost: \$316 + \$160 service charge = \$476

Mr. Ng:

- is not sure what's going on because he has people who go out and clean things up

*VIDEO - things were covered with snow: household items, junk, debris, cushions, boxes, doors, in yard area*

Mr. Ng:

- his crew removed most of the stuff; the others was stuck to the ice
- he entered the receipt for the work

Ms. Moermond:

- if you paid them to remove the items and they didn't do it, it's on you and them

Mr. Ng:

- it was frozen in; couldn't get it out; he went to help  
- he called DSI and left a message but no one called him back

Mr. Yannarely:

- the inspector also had to secure the building

Mr. Ng:

- my guy was there to clean-up the junk and secure the building

Mr. Yannarely:

- the city did the clean-up and secured the building

Ms. Moermond:

- the windows needed to be boarded  
- a ton of stuff was cleaned-up by the city

Mr. Ng:

- when the city secured the place, they cracked the window; they put in a 6-inch nail;  
the door was locked

Ms. Moermond:

- will recommend approval of this assessment of the clean-up

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

**35**     [RLH TA 14-352](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1404E Assessment No. 148306 at 1035 MAGNOLIA AVENUE EAST.

**Sponsors:**         Bostrom

*Delete the assessment per DSI staff to LHO as it was a preauthorized work order and it was done by owner.*

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

**36**     [RLH TA 14-343](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 780 MANOMIN AVENUE.

**Sponsors:**         Thune

*Delete the assessment.*

*RE: 780 Manomin Avenue (Single Family)*

*Katie Long, Homesteader, appeared.*

*Inspector Joe Yannarely:*

*- Snow Order issued Feb 28, 2014; compliance 48 hrs; re-checked Mar 5; Work Order sent*

*- work done Mar 13, 2014 for a cost of \$160 + \$160 = \$320*

*- sent to Richard Long, 297 Mount Curve Blvd; Katie S Timothy P Long, 780 Manomin; and Occupant*

*Ms. Moermond:*

*- Orders were written Feb 28; they checked it Mar 5 and did the work Mar 13*

- on Feb 28 there was some snow on the ground but the problem is that on Mar 5, we got 4.1 inches of snow; before the crew showed up, we got another 3 inches of snow

Ms. Long:

- it's their first year at this house and they didn't get it shoveled each time in a timely manner  
- she got the letter in the mail and she went out to shovel but she could not get the ice up; the next thing she knew, they had plowed it  
VIDEO

Ms. Moermond:

- looks like this was new snow for an old Order  
- she saw snow had been shoveled; then, it snowed more  
- it took Parks a long time and a lot happened in between  
- will Recommend this assessment be deleted

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

- 37     [RLH TA 14-313](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1777 MARGARET STREET.

**Sponsors:**     Lantry

*No show - approve the assessment.*

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

- 38     [RLH TA 14-344](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 979 MARION STREET.

**Sponsors:**     Brendmoen

*Delete the assessment.*

*RE: 979 Marion Street (Single Family)*

*Deborah Konechne, owner, appeared.*

*Inspector Joe Yannarely:*

- Snow and Ice Order issued Feb 26, 2014; compliance in 48 hours  
- re-checked Mar 4; Work Order issued  
- work done Mar 5 for a cost of \$160 + \$160 service charge = \$320  
- we have a nonfunctioning VIDEO  
- have photos

*Ms. Konechne:*

- this has been a very challenging winter  
- her husband does the shoveling and he's out of town; he's a construction worker  
- he got the letter and he did do a clean-up after he got the letter  
- we probably didn't do as good of a job as we could have

*Ms. Moermond:*

- Orders were issued Feb 26  
- between Feb 26 and Mar 5, another 6-8 inches of snow fell so, she can't determine



*what snow she is looking at in the photos  
- will recommend this assessment be deleted*

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

- 39**     [RLH TA 14-325](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A Assessment No. 148526 at 485 MINNEHAHA AVENUE EAST.

**Sponsors:**     Brendmoen

*No show - approve the assessment.*

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

- 40**     [RLH TA 14-329](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 602 ORANGE AVENUE.

**Sponsors:**     Bostrom

*No show - approve the assessment.*

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

- 41**     [RLH TA 14-318](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1409, Assessment No. 148813 at 1812 REANEY AVENUE. (Amended to File No. VB1409B, Assessment No. 148824) (Public hearing continued from July 23)

**Sponsors:**     Lantry

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 6/17/2014**

- 42**     [RLH TA 14-322](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1021 ROSE AVENUE EAST.

**Sponsors:**     Bostrom

*No show - approve the assessment.*

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

- 43**     [RLH TA 14-348](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1409, Assessment No. 148813 at 1252 SEVENTH STREET EAST.

**Sponsors:**     Bostrom

*Reduce from \$1595 to \$800.*

*RE: 1252 Seventh Street East (Three/Four Family)*

*Larissa Shaar, property manager, appeared.*

*Inspector Joe Yannarely:*

- annual Registered Vacant Building fee is due for a cost of \$1440 + \$155 service charge = \$1595
- opened file Nov 3, 2013; closed Apr 18, 2014 = 5 1/2 months
- recommends prorating the VB fee

*Ms. Shaar:*

- she is appealing it because she doesn't even understand what it's for
- why is this fee assessed; the owner has no idea

*Ms. Moermond:*

- this is an annual fee for being in the Registered Vacant Building Program
- the owner would have received several letters about being in the VB Program
- the property has been in this program for 6 months out of the year
- she is happy to prorate the fee
- the city takes the cost of running the VB Program for a year and divides it over all the properties in the VB Program
- the city checks these properties to make sure they haven't been broken into; they get someone out there right away if someone does break into them; etc.

*Ms. Shaar:*

- they renovated the building

*Ms. Moermond:*

- will split this fee in half
- will recommend reducing it to \$800

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

- 44**     [RLH TA 14-301](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409G, Assessment No.148708 at 1549 SEVENTH STREET EAST.

**Sponsors:**     Bostrom

*No show - approve the assessment.*

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

- 45**     [RLH TA 14-317](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1407P, Assessment No. 148406 at 1658 SEVENTH STREET EAST.

**Sponsors:**     Lantry

*Delete the assessment; waiver on file.*

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

- 46**     [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

*Rescheduled per owner's request.*

**Referred to the Legislative Hearings due back on 6/17/2014**

- 47 [RLH TA 14-351](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1409 Assessment No. 148813 at 635 SIMS AVENUE.

**Sponsors:** Bostrom

*No show - approve the assessment.*

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

- 48 [RLH TA 14-303](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 690 SIMS AVENUE.

**Sponsors:** Bostrom

*Delete the assessment due to improper notification. (Hearing was not necessary)*

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

- 49 [RLH TA 14-354](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1533 ST. CLAIR AVENUE.

**Sponsors:** Tolbert

*Delete the assessment.*

*RE: 1533 St. Clair Avenue (Single Family)*

*Vijayesh Roy, owner, appeared.*

*Inspector Joe Yannarely:*

*- snow and ice letter issued Feb 24; compliance in 48 hours; re-checked Mar 3  
- work done Mar 6, 2014 for a cost of \$160 + \$160 service charge = \$320*

*Mr. Roy:*

*- his daughter and roommates live there; they go to Hamline University  
- there's been a lot of snow and they have been cleaning it up; they've done their best  
- one of the neighbors has a snow blower; Mr. Roy went over to help; and they did the best they could; they even put on salt but the temperature may have been too low to work and there's not much they could do with the ice; they did try and thinks they did the best under the circumstances*

*VIDEO*

*Mr. Roy:*

*- the city's abatement didn't have much impact, either*

*Ms. Moermond:*

*- a lot of snow fell on Mar 4, 2014; you cleaned away the snow right down to the packed ice*

- made a good faith effort
- will recommend deletion of this assessment

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

- 50**     [RLH TA 14-356](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 778 SYNDICATE STREET NORTH.

**Sponsors:**     Stark

*No show - approve the assessment.*

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

- 51**     [RLH TA 14-314](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 314 THOMAS AVENUE.

**Sponsors:**     Thao

*Delete the assessment.*

*RE: 314 Thomas Avenue (Single Family)*

*Por Vue, owner, appeared.*

*Inspector Joe Yannarely:*

- Summary Abatement Order issued for mattresses on the Farrington Blvd on Mar 3, 2014; compliance Mar 10; re-checked Mar 10
- work done May 13, 2014 for a cost of \$150 + \$160 service charge = \$310

*Mr. Vue:*

- entered photos
- his tenants called and said they got a letter from the city regarding a mattress on the stop sign
- he went out there to check
- the mattress was dumped; it's been a public discard place/dump; they stop at the stop sign, discard what they want at the stop sign and take off
- he also got a letter from the city the next day; so, he called the city and told them that someone discarded a mattress on the stop sign (photos)
- you can see from photos that the property is clean; it has a fence around it; there is nothing on it
- the city advised him to appeal so, here he is; hoping that the hearing officer would reconsider this

*Ms. Moermond:*

- staff made a note for her that there hasn't been a complaint at this property for over 3 years; also, that there's a corrupted file

*Mr. Yannarely:*

- he just couldn't bring up the SA; STAMP isn't working properly today; their IS people are trying to figure it out
- the documents are in AMANDA; I wasn't able to attach

*Ms. Moermond:*

- just for the record, it took Mai Vang all day yesterday to get these files cleaned up

Mr. Yannarely:

- they are just getting gobily gook

Ms. Moermond:

- there have been no complaints for the last 3 years

- this is in the public right-of-way

- will recommend this assessment be deleted

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

- 52     [RLH TA 14-331](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409A Assessment No. 148526 at 446 VAN BUREN AVENUE.

**Sponsors:**     Thao

*Delete the assessment as inspection and abatement occurred before the compliance date. (no hearing was necessary)*

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

- 53     [RLH TA 14-338](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1409A Assessment No. 148526 at 578 VAN BUREN AVENUE.

**Sponsors:**     Thao

*Delete the assessment; recheck and work order sent before compliance date. (no hearing was necessary)*

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

- 54     [RLH TA 14-334](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 694 VAN BUREN AVENUE.

**Sponsors:**     Thao

*No show - approve the assessment.*

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

- 55     [RLH TA 14-308](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 1318 WATSON AVENUE.

**Sponsors:**     Tolbert

*Reduce from \$320 to \$160.*

*RE: 1318 Watson Avenue (Single Family)*

*Jeri Smith, owner, appeared.*

*Inspector Joe Yannarely:*

- snow/ice letter issued Feb 26, 2014; compliance in 48 hours; re-checked Mar 4
- work done Mar 6, 2014 for a cost of \$160 + \$160 service charge = \$320

Ms. Smith:

- it's been a bad winter and she's a single mom, who works long hours
- she got the Notice that her sidewalk wasn't cleared, so, she called her 26-year old son to come over and help
- they chipped at the ice and shoveled the snow; she thought it was good, not wonderful; it was narrow
- a couple weeks later when she came home at night, the sidewalk was cleared out and she thought, "They came after all!"
- she was surprised that the city came but admitted that they didn't go a great job; they just did what they could; it was very icy
- we don't have a snow blower

VIDEO - removed snow full width; salted and sanded

Ms. Moermond:

- 4 inches of snow arrived on the re-check date
- since the Order had been written, we had 6 inches total
- it was a good faith effort
- she will recommend reducing the assessment by half to \$160

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

- 56     [RLH TA 14-355](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409A, Assessment No. 148526 at 910 WILSON AVENUE.

**Sponsors:**     Lantry

*No show - approve the assessment.*

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

- 57     [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

*Forthcoming.*

*RE: 1023 Conway Street (Single Family)*

*Victoria Schweigart, owner, appeared.*

*Inspector Joe Yannarely:*

- Summary Abatement Order issued Mar 14, 2014: remove all excessive storage in the garage - electronics, tires, boxes, rubbish, which may be causing a breeding ground for mice; compliance date Mar 19; Work Order issued
- work done Mar 20, 2014 for a cost of \$538 + \$160 service charge = \$698

*Ms. Schweigart:*

- the code enforcement lady they had complaints about mice walking down the street
- they had a bagster dumpster filled with materials; it cost \$180 for them to pick it up

- one lady who helped us out said that we could file for some form of disability; her husband has a certain percentage of disability from VA  
VIDEO - the garage was full; orders to remove from inside and outside the garage

Mr. Yannarely:

- breakdown of total assessment: garbage abatement: \$260; general refuse: \$168 yardage fee; home appliance: \$60 mattress fee and tire fee  
- there have 10 complaints in the last 2 years

Ms. Schweigart:

- they knew the materials needed to get out of the garage; the problem was having the money to do that  
- they had a plumbing problem late last fall; they did get help; at the same time or prior, their toilet overflowed - the drain backed up and they had to put in a main line (some things weren't done correctly before they bought the house)  
- their property taxes are paid with the mortgage payment; they are slightly behind and are on a payment plan  
- they were advised that they need to replace all of their pipes; they applied for some help and they got Notice on May 13 that we'd be considered for next year; however, some of that stuff won't wait  
- also, has forms from Dayton's Bluff

Ms. Moermond:

- will get the phone number for St. Paul's Foreclosure Prevention Program; also, the phone number for House Calls

Ms. Schweigart:

- they have worked with Kay before

Ms. Moermond:

- the city did a lot of work here; she needs to take in account these circumstances and also the extent to which the rest of the city should be responsible for cleaning up your property  
- she also needs to make sure that Ms. Schweigart get the services she needs to help her over this bump  
- will be more than happy to divide this assessment over 5 years  
- you very well may qualify for disability on this assessment; go to the Real Estate Office and fill out some forms to seek a disability deferment on this assessment (10th floor of the City Hall Annex)  
- we will explore that option first and then decide  
- if necessary, the House Calls Program can provide you with a roll-off dumpster so that you don't have a city crew showing up; can be very helpful if you also have a lot of things inside the house, as well  
- will LAY this OVER for 2 weeks

**Laid Over to the Legislative Hearings due back on 6/17/2014**

### Special Tax Assessments - ROLLS

58      [RLH AR 14-39](#)      Ratifying the assessments for Collection of Vacant Building fees billed June 19, 2013 to January 16, 2014. (File No. VB1409, Assessment No. 148813)

Sponsors:      Lantry

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

- 59     [RLH AR 14-40](#)     Ratifying the assessments for Property Clean Up services from February 24 to March 28, 2014. (File No. J1409A, Assessment No. 148526)  
*Sponsors:*         Lantry  
**Referred to the City Council due back on 7/23/2014**
- 60     [RLH AR 14-41](#)     Ratifying the assessments for Trash Hauling services from March 4 to 26, 2014. (File No. J1409G, Assessment No. 148708)  
*Sponsors:*         Lantry  
**Referred to the City Council due back on 7/23/2014**
- 61     [RLH AR 14-42](#)     Ratifying the assessments for Tree Removal services during March 2014. (File No. 1407T, Assessment No. 149007)  
*Sponsors:*         Lantry  
**Referred to the City Council due back on 7/23/2014**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 62     [RLH SAO 14-15](#)     Appeal of Todd Tribold to a Summary Abatement Order at 259 ENGLISH STREET.  
*Sponsors:*         Lantry  
*No one appeared. Deny the appeal.*  
*RE: 259 English Street (Single Family)*  
*Inspector Steve Magner:*  
*- there was an appeal on a Summary Abatement for an improperly stored and accumulated refuse, garbage, debris, lumber, metal stored in trailers; also there were 2 trailers parked in the back yard on unapproved surfaces*  
*- the SA was sent to Gerald Manthei, the legal property owner and also to the Occupant*  
*- it is his understanding that the Occupant, Todd Tribold, was trying to buy the property on a Contract for Deed (unrecorded); Mr. Tribold filed the appeal*  
*- have quite a bit of history: building issues; accessory storage issues; took a long time to get the Vacant Building file closed;*  
*- Mr. Manthei owns the property and turned it over to Mr. Tribold to fix it up*  
*- as you can see from the photos, there is quite a bit stored in the trailers at the property*  
*- asking to have the appeal denied and to let DSI move forward with Orders*  
*Ms. Moermond:*  
*- in the letter provided to the Appellant, it says that if you don't show, you may be denied*  
*- no one is hear*



- will recommend this appeal be denied

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

## Correction Orders

**63**     [RLH CO 14-4](#)     Appeal of Tom and Mary Murphy to a Correction Notice at 15 BAKER STREET WEST.

**Sponsors:**     Thune

*Orders has been withdrawn due to improper citations. DSI will re-issue under correct citations.*

*RE: 15 Baker Street West (Duplex)*

*Tom and Mary Murphy, owners, appeared.*

*Ms. Moermond:*

- *Condemnation of the Baker and Hall Street locations; they are together*
- *will begin with the staff report; then, allow testimony from both parties*
- *there are 2 appeals in front us but basically, it's exactly the same problem*

*Inspector Steve Magner, Vacant Buildings:*

- *DSI received a complaint in regards to a retaining wall that fell on the neighbor's yard: "Retaining wall fell in the neighbor's yard; they fear the garage will fall, as well; it's urgent; someone needs to get out to the property now because it's a dangerous situation." May 19, 2014*
- *prior to that on May 6, 2014, they received a complaint that said the retaining wall was crumbling on the property and needed repair.*
- *an inspector went out and took photographs of the retaining wall and the fence between these 2 properties*
- *when you look at an aerial photo, there's one property on Hall that backs up to the property on Baker; their property line separates them with a retaining wall, which retains the higher property on Hall, and a fence, with part of it screening the section between the backyards and what would be part of a driveway that comes off an alley*
- *ultimately, a set of Orders was issued May 21, 2014 that says, "The retaining wall between 642 Hall and 15 Baker Street has failed and has collapsed. This wall must be repaired or replaced. Retaining walls supporting more than 4 feet of earth behind them require a permit. This retaining wall has been a contentious issue between the 2 properties referenced. It is suggested that the property owners work out an amicable solution to repairing or replacing the wall. Failing that alternative, it is suggested the affected properties file an appeal (instructions are below).*
- *after that, both parties filed an appeal and in front of the hearing today*
- *there's a number of photos detailing this situation*
- *also, someone has pulled out a number of documents, going back to the time of construction of the accessory structure at 642 Hall*
- *he thinks that there are enough documents here to be able to figure this out and he's hoping that the hearing officer will be able to guide everyone in the right direction*

*15 Baker Street West - Tom and Mary Murphy*

*Mr. Murphy:*

- *they have sent a couple of narrations*
- *they have lived at this address since 1986*
- *mentioned that Mr. David Wallner came over very excited and wanted to come to*

*the hearing to provide support but he also did not want to complicate the situation; however, he was not able to get away from work and he is fine with an inspector contacting him*

*- they think that the retaining wall situation needs to be corrected and maintained by Roger Hodge, 642 Hall and them at 15 Baker St W because of the damage caused by his negligence; through video pictures they will show that for many years, he did not allow adequate redirection of the roof run-off from the structure. The close proximity of his garage to the property line and the retaining wall has caused raising the height of the wall from it's original height that added to the weight that the wall had to support and also, they asked if this building is safe as it stands. One of the factors that has contributed to the failure of the wall is the height of the wall itself, which Mr. Hodge insisted upon by increasing it in 1990 when the wall was rebuilt. In 1988, the old retaining wall, which was in place when Mr. Murphy purchased the property in 1986, collapsed. As a new homeowner and a wish to be neighborly, they rebuilt the wall to the height it was previously with Mr. Hodge's help. Mr. Hodge said that he wanted to make the wall taller in order to even out the grade so that he could put up a garage. They reluctantly agreed, although they were unsure of the soundness of that which added that much weight and height. They wanted to be neighborly but also felt intimidated by Mr. Hodge's attitude, so they agreed.....(the whole narrative is attached)*

*- Mr. Murphy's VIDEO: the day before their wedding, Jun 29, 1997 - shows 6 or 7 ties that he put in along with the 3 additional ties that Mr. Hodge put in VIDEO jumps to Apr 2014 - rainstorm, water coming out of the wall, etc; the building was finished without a gutter downspout; shows water collecting behind... he put up a side fence; then, shows a downspout going to nothing; yard with water coming in; no run-off control; shows how high his building is compared to their lot; what did this do to their property value? May 19, 2014 - after the rain stopped; 6 foot privacy fence; timbers in their backyard; after the rain on Sunday; some shots from yesterday showing what's going on since all the extra rain - more and more erosion; he hopes the slab of the garage holds up*

*- because of all these negligent factors, including raising the wall beyond its original height (creating the need for it to hold more pressure than it could handle without a permit and an inspection); the proximity of the building has put about twice as much pressure on the retaining wall - not set back 3 feet; lack of run-off control; and the safety issues*

*- they are asking that Mr. Hodge take responsibility for clean-up, repair and replacement of damages of the wall and on their property*

*- they don't understand how the garage could have been approved for construction in the first place*

*- they agreed to replace the original retaining wall in an effort to be neighborly; they never dreamed that the wall, which was put up would have to hold back all that Mr. Hodge directed at it*

*- about 16 years ago, in 1998, they put up a privacy fence because of pipes and scrap metal stored at the top of the wall, along with a dumpster, which resulted with garbage in their yard; (even a fuel container had dumped into their yard from Mr. Hodge's yard and killed their lilac bush); the privacy fence allowed them to be neighbors without being intimidated by Mr. Hodge's actions.*

*- 3 years ago, as a neighborly gesture, they offered to work together with Mr. Hodge to repair the wall but Mr. Hodge was belligerent and said that we needed to repair it; this gesture, is now off the table*

*- this time, Mr. Murphy told Mr. Hodge that he could have access to the wall from their backyard to repair it - anything he needed to get it fixed up*

*- Mr. Hodge has received 24 years of benefit from Mr. Murphy's goodwill in not fighting harder to make the retaining wall his in 1990; Mr. Murphy provided the foundation for the total height of that which supports him on that side of garage for all of this time*

- they feel that they have done their part in providing Mr. Hodge with 24 years of the retaining wall; he is asking that the city not ask him to be involved in providing Mr. Hodge with another 24 years or more support for his oversized building, etc.
- it's time that Mr. Hodge take responsibility and support his own lot; that's the way that he has seen it done in every up hill lot that he knows of, including his sister's house on 2344 Doswell Ave, for instance; on every lot, the up hill neighbor supports their lot
- they could not have sold their house in the situation as it was or is
- they look forward to having this settled once and for all after 24 years so that their properties will be safely, clearly and maybe even, legally, separated
- entered photos

642 Hall Avenue - Roger Hodge

Mr. Hodge:

- watched the VIDEO again; Mr. Hodge made some comments during the showing
- each railroad tie is between 7-8 inches thick; 52-53 inches high wall
- the downspout comes off during heavy rain
- at the time that wall was constructed, he helped Mr. Murphy get started building the wall; showed him how to spike it using enough spikes
- at the end, he added 3 ties on top of the wall, which he himself spiked securely
- 2 weeks after the wall was complete, they had a big, heavy rainstorm and that wall started to bulge; he told Mr. Murphy that he could not believe the wall was bulging; Mr. Murphy said that when he built the wall, he put 3 nails into each existing ties; Mr. Hodge believes that what kept that wall strong all these years was the 3 ties that he put on the top, which were nailed securely, like it all should have been done in the first place
- pictures show that the wall was bulging out at the bottom, not at the top
- the steel stake shows his property line
- when he built his garage, another neighbor notified the city and said that Mr. Hodge was on his property; so, the city told Mr. Hodge to have his property surveyed again; he bought this place in 1979 and he had everything surveyed; before he built his garage in 1990, he had it all surveyed again in 1989 so, he doesn't know how Mr. Murphy can say that he is less than 3 feet off the property line
- so, the problem is the wall; he thought he was a halfway decent neighbor - he dug it all out for him and he hauled everything away for him and he helped him start to put up the wall; he finished putting it up and because Mr. Murphy didn't properly nail it, that's why it bulged
- originally, the water ran down off several of the neighbors' properties into this alley, which is a non-maintained alley; that's what took the rest of his concrete wall down; before Murphys purchased the place, the man who had it before him, the corner of the wall went down and the neighbor behind them put up about 15 feet of tie wall; and the neighbor behind Mr. Hodge dug out behind his house and installed the back retaining wall, where Mr. Hodge's survey stick is;
- he put up 3 ties higher on the wall to help prevent water from running onto Mr. Murphy's property and his own
- on the back of his garage, he raised up 3 feet and filled it in; then, had his building built on it
- a metal-type building is a lot lighter in weight than a regular wood building; and in this case, there are poles in the ground so that the weight is transferred onto the poles
- he believes that he has done everything that he could to get a long with Mr. Murphy on this issue
- one year ago, he called Code Enforcement and someone came out to take a look at the retaining wall but he never heard anything back so, he called DSI to find out the results of that inspection; they said that the case had been closed; he has no idea

what happened one year ago

- last fall, he tried to talk with Mr. Murphy on 4 different occasions; ended up talking to his wife and said that he needed to talk to Tom about the wall; after the 4th time, Mr. Murphy called him and said that I could do anything he wanted to repair that wall; Mr. Hodge told him, "Tom, that's not my wall."
- it was a good thing that he put up his fence; then, there are not as many problems
- Mr. Murphy also cemented fence posts on Mr. Hodge's property; he put his fence up and that's how it's been until this

Mr. Murphy:

- he doesn't recall the conversation when Mr. Hodge told him that he had used too few spikes; he purchased quite a few
- the wall did collapse, to some extent; and stayed that way for quite a few years; to his thinking, it collapsed because of the all the backfill with cement chunks (Mr. Hodge did the backfilling; he had the equipment); he thinks the chunks settled near the bottom of the fence
- other question, if the survey was done a second time, why is that building 18 inches off their property line (half the distance it should be)
- another thing, he didn't use cement for those fence posts; they just bored down into the ground

Mr. Hodge:

- he believes that there were no cement chunks in the backfill of the wall; we had a rain storm a couple of weeks after it went up

Mr. Murphy:

- the way this was built, he had said they built it together but it wasn't really cooperation; it really pulled him into something that was above his head; he went higher than the wall was before; he was coerced, intimidated - "This is what you're going to do because that's what the wall is over there." So, he did it although, it puts him in a very bad position now."
- the backfill is easy to see now because that's what's coming back to the surface in their yard

Mr. Hodge:

- at one end, the wall is the exiting height of the alley;
- Mr. Murphy's lot is 100 feet long; his is 42 feet x 41 feet (abuts Mr. Murphy's); total of 83 feet,,,,, 17 feet is alley property

Mr. Murphy:

- he used to be assessed for 11 feet of alley

Ms. Moermond:

- some of this she can deal with at this level; some she cannot; suspect this will wind up in court
- in the meantime, she would consider this garage structure to be a dangerous structure because it's not supported at all points of its foundation
- she cited code.... A structure with any parts such as floors, porches, railings, stairs, ramps, balconies or roofs which are accessible and which are either collapsed or in danger of collapsing, are unable to support the weight of normally imposed loads...
- she spoke with Mr. Ubl about this; he didn't talk specifically about dangerous structure; he said that it's the responsibility of the property owner to ensure that the structure is supported at all points
- she asked Mr. Magner if that was not his read of the nuisance code

Mr. Magner:

- yes; he would agree with Mr. Ubl on that point and it, ultimately, is the responsibility of the owner of the structure to maintain the structure and its support

Ms. Moermond:

- Mr. and Mrs. Murphy, you have a mess in your yard and you need to get that cleaned up; you can't have that mess  
- lastly, she stated that this is one of the most poorly worded set of Orders that she has ever read; these Orders are atrocious! She suspects that they will be Withdrawn by DSI and replaced with different Orders

Mr. Magner:

- his opinion is that we close out the Orders and issue a Summary Abatement Order to both parties

Ms. Moermond:

- there's a responsibility on Mr. Hodge with respect to erosion and run-off to another party's property; and Mr. Murphy, there's a responsibility for maintaining the wall; it's something that the courts are going to have to handle; she can't do that here; what she can say is that in her view, that's a dangerous structure and it needs to be supported at all points; in order to support it at all points, you will have to access the neighbor's property; in order to access the neighbor's property, you need the neighbor's permission to do that; she doesn't know whether or not that permission is going to be forthcoming  
- A Summary Abatement Order, which Mr. Magner mentioned, means that if this isn't taken care of in a specified amount of time, the city will remove it for you  
- Mr. Hodge, you will need to pull a building permit for all of this and it will need to be acceptable to the relevant inspector; that 3-foot setback really bothers her; it wasn't called out, originally; it's water under the bridge because it's been such a long period of time but there is a problem with the setback  
- there's a peculiar part of the history on this one where there was a lot of discussion, historically, about the relationship with Mr. Hodge's property to 25 Baker Street rather than to 15 Baker Street' if she is reading the record correctly, Mr. Hodge modified the slope of the roof because of that; so, instead of the slope being front-back; it's side to side, and he made it higher; and that he violated the decision of the Board of Zoning Appeals on that because he exceeded the height that they allowed

Mr. Hodge:

- yes, originally, when the contractor put it up, he put higher trusses on the building but the roof has always been in the direction that it's in right now

Ms. Moermond:

- the site plan was permitted differently... and the height was never addressed although Mr. Hodge did receive Orders on it to decrease the height

Mr. Hodge:

- yes, you are correct  
- he did decrease the height; he had new trusses built and put up which lowered the height of the building, which brought it into code; that was all done

Ms. Moermond:

- she doesn't know how Mr. Hodge is going to be able to stabilize the structure without access to Murphy's land; it's going to take more than 3 feet to jack that up

Mr. Hodge:

- it isn't falling down

*Ms. Moermond:*

- you're going to have to demonstrate to the building inspector that it's going to be alright and based on her analysis and history, she doesn't think that it's going to be possible
- Mr. Murphy, you have a fence and dirt in you backyard; and you need to stabilize the soil
- right now, it would be fine with her, in the short term, if they went with silt fencing to prevent additional erosion while this whole thing gets sorted out in court
- Mr. Hodge, it's not the job of their retaining wall to hold up your structure
- the run-off that Mr. Hodge is causing onto Murphy's property may be the subject of Orders from the city and Mr. Magner would not be the one issuing those Orders; they would come either form the building official or from a water engineer; something should be provided to prevent run-off

*Mr. Hodge:*

- at that time, the city had informed him to put rain gutters on his building

*Ms. Moermond:*

- if you don't have a downspout that's working properly, you still have to accommodate that floor of water in getting it squared away
- will refer that to Mr. Ubl, the building official
- DSI is Withdrawing the current set of Orders because of their poor construction and putting in place 2 Summary Abatement Orders

*Mr. Magner:*

- different Orders will be sent to each party; the Hall party with the structure will replace those soils and properly support the structure otherwise, they will need to remove the structure; the Baker property will need to remove the items in their yard as a nuisance

*Ms. Moermond:*

- regarding the property line location and the responsibility for the retaining wall will be for Distrcit Court to decide
- silt fencing is fine after the site is cleaned up
- city Orders will be a spark plug is getting things going

*Mr. Murphy:*

- they have retained an attorney

*Ms. Moermond:*

- the Murphys need to clean-up their yard and Mr. Hodge needs to stabilize his structure, which will need to happen under permit
- there is a history of not being compliant with Orders
- the new Orders will be in the mail

**Withdrawn**

**64**     [RLH CO 14-5](#)

Appeal of Roger Hodge to a Correction Notice at 642 HALL AVENUE.

**Sponsors:**         Thune

*Orders has been withdrawn due to improper citations. DSI will re-issue under correct citations.*

*RE: 642 Hall Avenue (Single Family)*

*Roger Hodge, owner, appeared.*

*Ms. Moermond:*

- *Condemnation of the Baker and Hall Street locations; they are together*
- *will begin with the staff report; then, allow testimony from both parties*
- *there are 2 appeals in front us but basically, it's exactly the same problem*

*Inspector Steve Magner, Vacant Buildings:*

- *DSI received a complaint in regards to a retaining wall that fell on the neighbor's yard: "Retaining wall fell in the neighbor's yard; they fear the garage will fall, as well; it's urgent; someone needs to get out to the property now because it's a dangerous situation." May 19, 2014*
- *prior to that on May 6, 2014, they received a complaint that said the retaining wall was crumbling on the property and needed repair.*
- *an inspector went out and took photographs of the retaining wall and the fence between these 2 properties*
- *when you look at an aerial photo, there's one property on Hall that backs up to the property on Baker; their property line separates them with a retaining wall, which retains the higher property on Hall, and a fence, with part of it screening the section between the backyards and what would be part of a driveway that comes off an alley*
- *ultimately, a set of Orders was issued May 21, 2014 that says, "The retaining wall between 642 Hall and 15 Baker Street has failed and has collapsed. This wall must be repaired or replaced. Retaining walls supporting more than 4 feet of earth behind them require a permit. This retaining wall has been a contentious issue between the 2 properties referenced. It is suggested that the property owners work out an amicable solution to repairing or replacing the wall. Failing that alternative, it is suggested the affected properties file an appeal (instructions are below).*
- *after that, both parties filed an appeal and in front of the hearing today*
- *there's a number of photos detailing this situation*
- *also, someone has pulled out a number of documents, going back to the time of construction of the accessory structure at 642 Hall*
- *he thinks that there are enough documents here to be able to figure this out and he's hoping that the hearing officer will be able to guide everyone in the right direction*

*15 Baker Street West - Tom and Mary Murphy*

*Mr. Murphy:*

- *they have sent a couple of narrations*
- *they have lived at this address since 1986*
- *mentioned that Mr. David Wallner came over very excited and wanted to come to the hearing to provide support but he also did not want to complicate the situation; however, he was not able to get away from work and he is fine with an inspector contacting him*
- *they think that the retaining wall situation needs to be corrected and maintained by Roger Hodge, 642 Hall and them at 15 Baker St W because of the damage caused by his negligence; through video pictures they will show that for many years, he did not allow adequate redirection of the roof run-off from the structure. The close proximity of his garage to the property line and the retaining wall has caused raising the height of the wall from it's original height that added to the weight that the wall had to support and also, they asked if this building is safe as it stands. One of the factors that has contributed to the failure of the wall is the height of the wall itself, which Mr. Hodge insisted upon by increasing it in 1990 when the wall was rebuilt. In 1988, the old retaining wall, which was in place when Mr. Murphy purchased the property in 1986, collapsed. As a new homeowner and a wish to be neighborly, they rebuilt the wall to the height it was previously with Mr. Hodge's help. Mr. Hodge said that he wanted to make the wall taller in order to even out the grade so that he could put up a garage. They reluctantly agreed, although they were unsure of the*

*soundness of that which added that much weight and height. They wanted to be neighborly but also felt intimidated by Mr. Hodge's attitude, so they agreed.....(the whole narrative is attached)*

*- Mr. Murphy's VIDEO: the day before their wedding, Jun 29, 1997 - shows 6 or 7 ties that he put in along with the 3 additional ties that Mr. Hodge put in VIDEO jumps to Apr 2014 - rainstorm, water coming out of the wall, etc; the building was finished without a gutter downspout; shows water collecting behind... he put up a side fence; then, shows a downspout going to nothing; yard with water coming in; no run-off control; shows how high his building is compared to their lot; what did this do to their property value? May 19, 2014 - after the rain stopped; 6 foot privacy fence; timbers in their backyard; after the rain on Sunday; some shots from yesterday showing what's going on since all the extra rain - more and more erosion; he hopes the slab of the garage holds up*

*- because of all these negligent factors, including raising the wall beyond its original height (creating the need for it to hold more pressure than it could handle without a permit and an inspection); the proximity of the building has put about twice as much pressure on the retaining wall - not set back 3 feet; lack of run-off control; and the safety issues*

*- they are asking that Mr. Hodge take responsibility for clean-up, repair and replacement of damages of the wall and on their property*

*- they don't understand how the garage could have been approved for construction in the first place*

*- they agreed to replace the original retaining wall in an effort to be neighborly; they never dreamed that the wall, which was put up would have to hold back all that Mr. Hodge directed at it*

*- about 16 years ago, in 1998, they put up a privacy fence because of pipes and scrap metal stored at the top of the wall, along with a dumpster, which resulted with garbage in their yard; (even a fuel container had dumped into their yard from Mr. Hodge's yard and killed their lilac bush); the privacy fence allowed them to be neighbors without being intimidated by Mr. Hodge's actions.*

*- 3 years ago, as a neighborly gesture, they offered to work together with Mr. Hodge to repair the wall but Mr. Hodge was belligerent and said that we needed to repair it; this gesture, is now off the table*

*- this time, Mr. Murphy told Mr. Hodge that he could have access to the wall from their backyard to repair it - anything he needed to get it fixed up*

*- Mr. Hodge has received 24 years of benefit from Mr. Murphy's goodwill in not fighting harder to make the retaining wall his in 1990; Mr. Murphy provided the foundation for the total height of that which supports him on that side of garage for all of this time*

*- they feel that they have done their part in providing Mr. Hodge with 24 years of the retaining wall; he is asking that the city not ask him to be involved in providing Mr. Hodge with another 24 years or more support for his oversized building, etc.*

*- it's time that Mr. Hodge take responsibility and support his own lot; that's the way that he has seen it done in every up hill lot that he knows of, including his sister's house on 2344 Doswell Ave, for instance; on every lot, the up hill neighbor supports their lot*

*- they could not have sold their house in the situation as it was or is*

*- they look forward to having this settled once and for all after 24 years so that their properties will be safely, clearly and maybe even, legally, separated*

*- entered photos*

*642 Hall Avenue - Roger Hodge*

*Mr. Hodge:*

*- watched the VIDEO again; Mr. Hodge made some comments during the showing*

*- each railroad tie is between 7-8 inches thick; 52-53 inches high wall*



- the downspout comes off during heavy rain
- at the time that wall was constructed, he helped Mr. Murphy get started building the wall; showed him how to spike it using enough spikes
- at the end, he added 3 ties on top of the wall, which he himself spiked securely
- 2 weeks after the wall was complete, they had a big, heavy rainstorm and that wall started to bulge; he told Mr. Murphy that he could not believe the wall was bulging; Mr. Murphy said that when he built the wall, he put 3 nails into each existing ties; Mr. Hodge believes that what kept that wall strong all these years was the 3 ties that he put on the top, which were nailed securely, like it all should have been done in the first place
- pictures show that the wall was bulging out at the bottom, not at the top
- the steel stake shows his property line
- when he built his garage, another neighbor notified the city and said that Mr. Hodge was on his property; so, the city told Mr. Hodge to have his property surveyed again; he bought this place in 1979 and he had everything surveyed; before he built his garage in 1990, he had it all surveyed again in 1989 so, he doesn't know how Mr. Murphy can say that he is less than 3 feet off the property line
- so, the problem is the wall; he thought he was a halfway decent neighbor - he dug it all out for him and he hauled everything away for him and he helped him start to put up the wall; he finished putting it up and because Mr. Murphy didn't properly nail it, that's why it bulged
- originally, the water ran down off several of the neighbors' properties into this alley, which is a non-maintained alley; that's what took the rest of his concrete wall down; before Murphys purchased the place, the man who had it before him, the corner of the wall went down and the neighbor behind them put up about 15 feet of tie wall; and the neighbor behind Mr. Hodge dug out behind his house and installed the back retaining wall, where Mr. Hodge's survey stick is;
- he put up 3 ties higher on the wall to help prevent water from running onto Mr. Murphy's property and his own
- on the back of his garage, he raised up 3 feet and filled it in; then, had his building built on it
- a metal-type building is a lot lighter in weight than a regular wood building; and in this case, there are poles in the ground so that the weight is transferred onto the poles
- he believes that he has done everything that he could to get a long with Mr. Murphy on this issue
- one year ago, he called Code Enforcement and someone came out to take a look at the retaining wall but he never heard anything back so, he called DSI to find out the results of that inspection; they said that the case had been closed; he has no idea what happened one year ago
- last fall, he tried to talk with Mr. Murphy on 4 different occasions; ended up talking to his wife and said that he needed to talk to Tom about the wall; after the 4th time, Mr. Murphy called him and said that I could do anything he wanted to repair that wall; Mr. Hodge told him, "Tom, that's not my wall."
- it was a good thing that he put up his fence; then, there are not as many problems
- Mr. Murphy also cemented fence posts on Mr. Hodge's property; he put his fence up and that's how it's been until this

*Mr. Murphy:*

- he doesn't recall the conversation when Mr. Hodge told him that he had used too few spikes; he purchased quite a few
- the wall did collapse, to some extent; and stayed that way for quite a few years; to his thinking, it collapsed because of the all the backfill with cement chunks (Mr. Hodge did the backfilling; he had the equipment); he thinks the chunks settled near the bottom of the fence
- other question, if the survey was done a second time, why is that building 18 inches

*off their property line (half the distance it should be)*

*- another thing, he didn't use cement for those fence posts; they just bored down into the ground*

*Mr. Hodge:*

*- he believes that there were no cement chunks in the backfill of the wall; we had a rain storm a couple of weeks after it went up*

*Mr. Murphy:*

*- the way this was built, he had said they built it together but it wasn't really cooperation; it really pulled him into something that was above his head; he went higher than the wall was before; he was coerced, intimidated - "This is what you're going to do because that's what the wall is over there." So, he did it although, it puts him in a very bad position now."*

*- the backfill is easy to see now because that's what's coming back to the surface in their yard*

*Mr. Hodge:*

*- at one end, the wall is the exiting height of the alley;*

*- Mr. Murphy's lot is 100 feet long; his is 42 feet x 41 feet (abuts Mr. Murphy's); total of 83 feet,,,,, 17 feet is alley property*

*Mr. Murphy:*

*- he used to be assessed for 11 feet of alley*

*Ms. Moermond:*

*- some of this she can deal with at this level; some she cannot; suspect this will wind up in court*

*- in the meantime, she would consider this garage structure to be a dangerous structure because it's not supported at all points of its foundation*

*- she cited code.... A structure with any parts such as floors, porches, railings, stairs, ramps, balconies or roofs which are accessible and which are either collapsed or in danger of collapsing, are unable to support the weight of normally imposed loads...*

*- she spoke with Mr. Ubl about this; he didn't talk specifically about dangerous structure; he said that it's the responsibility of the property owner to ensure that the structure is supported at all points*

*- she asked Mr. Magner if that was not his read of the nuisance code*

*Mr. Magner:*

*- yes; he would agree with Mr. Ubl on that point and it, ultimately, is the responsibility of the owner of the structure to maintain the structure and its support*

*Ms. Moermond:*

*- Mr. and Mrs. Murphy, you have a mess in your yard and you need to get that cleaned up; you can't have that mess*

*- lastly, she stated that this is one of the most poorly worded set of Orders that she has ever read; these Orders are atrocious! She suspects that they will be Withdrawn by DSI and replaced with different Orders*

*Mr. Magner:*

*- his opinion is that we close out the Orders and issue a Summary Abatement Order to both parties*

*Ms. Moermond:*

*- there's a responsibility on Mr. Hodge with respect to erosion and run-off to another party's property; and Mr. Murphy, there's a responsibility for maintaining the wall; it's*

something that the courts are going to have to handle; she can't do that here; what she can say is that in her view, that's a dangerous structure and it needs to be supported at all points; in order to support it at all points, you will have to access the neighbor's property; in order to access the neighbor's property, you need the neighbor's permission to do that; she doesn't know whether or not that permission is going to be forthcoming

- A Summary Abatement Order, which Mr. Magner mentioned, means that if this isn't taken care of in a specified amount of time, the city will remove it for you

- Mr. Hodge, you will need to pull a building permit for all of this and it will need to be acceptable to the relevant inspector; that 3-foot setback really bothers her; it wasn't called out, originally; it's water under the bridge because it's been such a long period of time but there is a problem with the setback

- there's a peculiar part of the history on this one where there was a lot of discussion, historically, about the relationship with Mr. Hodge's property to 25 Baker Street rather than to 15 Baker Street' if she is reading the record correctly, Mr. Hodge modified the slope of the roof because of that; so, instead of the slope being front-back; it's side to side, and he made it higher; and that he violated the decision of the Board of Zoning Appeals on that because he exceeded the height that they allowed

Mr. Hodge:

- yes, originally, when the contractor put it up, he put higher trusses on the building but the roof has always been in the direction that it's in right now

Ms. Moermond:

- the site plan was permitted differently... and the height was never addressed although Mr. Hodge did receive Orders on it to decrease the height

Mr. Hodge:

- yes, you are correct

- he did decrease the height; he had new trusses built and put up which lowered the height of the building, which brought it into code; that was all done

Ms. Moermond:

- she doesn't know how Mr. Hodge is going to be able to stabilize the structure without access to Murphy's land; it's going to take more than 3 feet to jack that up

Mr. Hodge:

- it isn't falling down

Ms. Moermond:

- you're going to have to demonstrate to the building inspector that it's going to be alright and based on her analysis and history, she doesn't think that it's going to be possible

- Mr. Murphy, you have a fence and dirt in you backyard; and you need to stabilize the soil

- right now, it would be fine with her, in the short term, if they went with silt fencing to prevent additional erosion while this whole thing gets sorted out in court

- Mr. Hodge, it's not the job of their retaining wall to hold up your structure

- the run-off that Mr. Hodge is causing onto Murphy's property may be the subject of Orders from the city and Mr. Magner would not be the one issuing those Orders; they would come either from the building official or from a water engineer; something should be provided to prevent run-off

Mr. Hodge:

- at that time, the city had informed him to put rain gutters on his building

*Ms. Moermond:*

- if you don't have a downspout that's working properly, you still have to accommodate that floor of water in getting it squared away
- will refer that to Mr. Ubl, the building official
- DSI is Withdrawing the current set of Orders because of their poor construction and putting in place 2 Summary Abatement Orders

*Mr. Magner:*

- different Orders will be sent to each party; the Hall party with the structure will replace those soils and properly support the structure otherwise, they will need to remove the structure; the Baker property will need to remove the items in their yard as a nuisance

*Ms. Moermond:*

- regarding the property line location and the responsibility for the retaining wall will be for District Court to decide
- silt fencing is fine after the site is cleaned up
- city Orders will be a spark plug is getting things going

*Mr. Murphy:*

- they have retained an attorney

*Ms. Moermond:*

- the Murphys need to clean-up their yard and Mr. Hodge needs to stabilize his structure, which will need to happen under permit
- there is a history of not being compliant with Orders
- the new Orders will be in the mail

**Withdrawn**

65 [RLH CO 14-3](#)

Appeal of Mary Montgomery to a Correction Order at 898 LINWOOD AVENUE.

**Sponsors:** Thune

*RE: 898 Linwood Avenue (Single Family)*

*Mary Montgomery, owner, appeared.*

*Ms. Montgomery entered documents regarding her driveway.*

*Inspector Steve Magner, Vacant Buildings:*

- their office received a complaint about property line, exterior storage and multiple vehicles
- inspector went out and found 2 violations: 1) the current driveway is not paved; and 2) it appears that there's a parking space in front of the front line of the house; both are violations of Chapter 34.08.07: Parking or stored vehicles: all parking spaces shall be paved with asphalt, concrete or other suitable, durable dustless surfaces as determined by the enforcement officer..... In all residential districts, off-street parking shall not be located within the front yard or on the interior side yard
- photos show that there's a wide driveway apron; the wide gravel driveway narrows alongside the house and widens again in the back - goes to the garage; there's a car parked on the right side immediately after entering the apron and above the side walk in the front yard before and to the left of the house - DSI's concern is that the wide space near the front of the driveway is being used for parking and the driveway is not

*paved*

*Ms. Moermond:*

*- wondering why the curb cuts are set up the way they are?*

*Mr. Magner:*

*- he is not prepared to talk about that; he believes that is something that is on-going in a different investigation; he doesn't think we can talk about that today*

*Ms. Moermond:*

*- she can live with the gravel; her main concern with class 5 surface is that it migrates throughout a yard, which does not appear to be the case here; this appears to be a well-defined driveway and it doesn't creep into other areas of the yard; as long as the gravel is properly maintained, she can live with it*

*- she is happy to recommend that Ms. Montgomery get a variance on the gravel surface*

*Ms. Montgomery:*

*- she does not believe that she has a parking pad in the front yard; her supervisor, Wendy Lane, has looked at these photos in many different ways; recently, she has said that if there is a parking pad and it sits by itself and it goes into the front of the house (if you drove straight forward, you would hit the front of the house); her's is not; her's is off to the side*

*- her apron that is wider and she didn't work at DSI when this driveway was put in; there was no limit and there is still no limit from Public Works to the width or even, the number of driveways that you can have; her driveway was there; they matched it  
- when you pull in on one side of the driveway, you can go into the front door or you can drive around the curve and continue back; there's nothing in the Zoning Code that says what shape a driveway has to be; she has multiple curves in the driveway; there's nothing that says a driveway has to be straight*

*- now, there is a maximum width for a driveway in the Zoning Code; there was not a maximum width at the time this driveway was created; she could have had double wide the whole side of the property; it could have gone straight back; she wanted to make it pretty - kind of swerving; it's the shape of the driveway; it isn't a created front parking area; it's a wide approach that narrows down and then widens back up in the back*

*- there's nothing in the code that says you can't have a driveway that's shaped like a duck, if you want a driveway shaped like a duck*

*Ms. Moermond:*

*- her main concern is not the gravel but the parking in the front yard*

*- is checking out the Legislative Code book*

*- took a RECESS to read letters from neighbors that the Appellant submitted*

*- most of what she read in the letters indicate that your neighbors love you and think that you're a model citizen; you've done a great job landscaping and they don't mind the gravel*

*Ms. Montgomery:*

*- they were saying to me that they don't mind the gravel or the shape of the driveway*

*Ms. Moermond:*

*- notices in the Correction Order - doesn't think that the code citation is clear enough on this; checking in the code book, she thinks that this falls under 34.087*

*- asked Mr. Magner if he will be modifying the Order*

Mr. Magner:

- if Ms. Moermond is granting the appeal on the pavement, he thinks that they should re-address the Order to re-state that in all residential districts, off-street parking shall not be located in the front yard

- he doesn't know what the intent of the original complaint was but inspectors go out and take a look at the situation and sometimes they issue an Order about the specific complaint and sometimes, they find a different issue that they issue Orders on; in this case

- in this case, the violations to him are: 1) the driveway surface isn't paved; and 2) basically, by creating that shape of a driveway, you have also creating parking for a vehicle in the front line of the residence, which was the intent when Chap 34 was changed years ago; there was a lot of conversation back then and it was decided by the elected officials that this is the way the Ordinance should read

- his interpretation is that you can have a driveway, you just can't create an additional parking spot in the front

- DSI can change the Order but he doesn't want to have Ms. Montgomery repeat that process

- we could modify this; maybe Inspector Ross' Orders weren't clear on that; his wording says... "All vehicles must be correctly licensed, operable, secure from unauthorized entry and parked on an improved surface. Vehicles are not parking on an approved surface. Immediately cease parking vehicles in the front yard on a Class-5 surface. Concerning the other vehicles parking on the driveway - all residential parking spaces shall be paved with asphalt, concrete or other suitable surfacing as determined by Zoning Enforcement. A Site plan must be submitted by May 23, 2014. For information on installation of an approved parking surface, contact Zoning Enforcement at 651.266-9008 regarding submittal and approval of a site plan."

- the intention was that when Ms. Montgomery would improve the surface by paving it, she would submit a site plan showing what she was going to pave and then, DSI would tell her that she could not pave that section where the parking spot is but if we are taking the paving out, then, we need to decide whether there still is an issue with the other part - the other section that comes off the apron where, in the picture, there's a red car parked

Ms. Montgomery:

- when a curb cut is issued, in the old zoning code, under the legal nonconforming statutes, said.. "pursuant to permit" that's how my manager declared my driveway as legal, nonconforming.

- it's her job to go out and enforce on gravel driveways and repeatedly, when she was a baby inspector, she'd go into her office and say, "I can't do this! I want to keep my integrity and to be fair....this is causing me a great amount of stress." She would reply, "Your job is legal nonconforming, pursuant to a permit."

- again, there's nothing in the code that states what shape a driveway has to be  
- the driveway that was put in could have gone straight back and you can park on a legal driveway; neighbors all around her, pull their cars into the driveway and stop right there to go into their front doors; you don't have to pull your cars to the back yard; you can park in the side yard; you can park in the front yard as long as you're on your driveway; you can't pull off on the grass; the whole width of her driveway is in her front yard and she's allowed to park there

Mr. Magner:

- doesn't know that he agrees with Ms. Montgomery's statements in regards to something that Ms. Lane might have told her or said; he wasn't party to her conversation with Ms. Lane so, he doesn't know whether that's right of wrong; but he doesn't know her interpretation is correct and if Ms. Moermond is going to make a determination on that, she will need to pose that question to Ms. Lane; he has been

*told differently*

*Ms. Moermond:*

- she thinks that it's a distinct parking space because of the way it's cornered and that would be in violation of 34.087 without having a variance in order to do it*
- there will be no parking in that area; however, she will grant a variance on the gravel*
- a site plan should be submitted*
- the site plan may be an administrative staff decision and if it's not, it might be the Planning Commission or BZA decision; the Council, by code, cannot jump forward and make that decision; certainly, the Council has deviated from board/commission recommendations but they always let those happen first*
- so, before that front parking space is taken care of, in terms of a variance, no one should park there; she thinks it's a violation of Chapter 34*
- she has no problem with the driveway being gravel*
- Ms. Montgomery does a beautiful job of maintaining the property*

**Laid Over to the Legislative Hearings due back on 7/9/2014**