



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8585*

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Tuesday, July 8, 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 14-408](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 1000 ALBEMARLE STREET.

**Sponsors:** Brendmoen

*Per owner's request, rescheduled to July 22 due to missed hearing.*

**Laid Over to the Legislative Hearings due back on 7/22/2014**

- 2 [RLH TA 14-410](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1410, Assessment No. 148814 at 774 ATLANTIC STREET.

**Sponsors:** Lantry

*No show - approve the assessment*

**Referred to the City Council due back on 8/20/2014**

- 3 [RLH TA 14-402](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1410, Assessment No. 148814 at 400 BATES AVENUE.

**Sponsors:** Lantry

*Forthcoming; if owner receives his code compliance certificate by Aug 20, 2014, Legislative Hearing Officer will prorate the VB fee.*

*FYI: As of 8/7/14, building permit issued on 7/11/14 still open.*

*RE: 400 Bates Avenue (Single Family)*

*Gary Rosenbaum, owner, appeared.*

*Inspector Joe Yannarely:  
- Vacant Building fee assessment*

- Category 2 Vacant Building file opened Feb 21, 2007
- house looks very good but unpermitted work was done; it needs to be certified by Jim Seeger
- he recommend prorating the VB fee once the Code Compliance Certificate is issued

Mr. Rosenbaum:

- Mr. Seeger is coming to inspect this afternoon; they want me off the VB list
- he is having financial problems
- 2 years ago, they asked him to be on Parade of Homes because they loved the house
- now, he is 95%+ finished with the work
- he did all the work himself
- he has already paid \$8,000 - \$9,000 in VB fees and the house was more/less done 3 years ago

Ms. Moermond:

- if she cuts down this VB fee, that will pay for a couple of permits
- the city really can't get this off the VB list without having a sign-off

Mr. Rosenbaum:

- he will see what Mr. Seeger says
- the permits for electrical and plumbing have been finalized; they were done the first year

Ms. Moermond:

- let's get the Code Compliance signed-off and she will be more than happy to cut the VB fee down
- City Council Public Hearing Aug 20, 2014
- if Mr. Rosenbaum has his certificate by then, she will recommend prorating the fee down to size

**Referred to the City Council due back on 8/20/2014**

**4**      [RLH TA 14-407](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 1038 BAYARD AVENUE.

**Sponsors:**      Thune

Reduce assessment from \$476 to \$376.

RE: 1038 Bayard Avenue (Single Family)

Gennady Lyubeznik and Tammy Kelly appeared.

Inspector Paula Seeley:

- Summary Abatement issued Mar 21, 2014; compliance Mar 27; re-checked Apr 7
- work done Apr 9, 2014 for a cost of \$316 + \$160 service charge = \$476
- no returned mail
- somewhat of a history
- sent to GI Rental LLC, 1776 Yorkshire Ave, St. Paul; and Occupant
- underlined on SA: including and especially: Refuse in bags, chair, unlabeled refuse container overflowing located along fence near alley
- photo

VIDEO - behind the Highland container was a 30-gallon household container without a cover, overflowing

Mr. Lyubeznik:  
- here to get information  
- he hadn't seen the photos

Ms. Moermond:  
- the deadline was Mar 27 but the crew didn't come until Apr 9 (pretty generous amount of time)

Ms. Kelly:  
- they said there was even a chair out there but they cleaned that up  
- if we fill up the Highland container, they pick that up but they won't pick up the garbage around it if it falls off  
- there are 9 of us living in this house; we accumulate a lot of garbage  
- Highland leaves the garbage that falls off so they got another container because they have a lot of garbage  
- also, sometimes, Highland doesn't pick up the garbage at all during the week

Ms. Seeley:  
- it's contracted that they pick up only the Highland container  
- being it's that large of a family, the owner needs to provide another Highland container

Ms. Moermond:  
- she is looking at a property where adequate garbage cans don't seem to be available  
- her understanding is that the inspector would write Orders for the landlord to provide adequate garbage service  
- she is looking at a description of garbage that's really consistent with what she saw in the VIDEO with the exception of the chair, which Ms. Kelly mentioned  
- she wants to give credit for making an effort  
- will recommend reducing the assessment by \$100 for a total of \$376

Mr. Lyubeznik:  
- he provides garbage service for the tenants

**Referred to the City Council due back on 8/20/2014**

- 5      [RLH TA 14-405](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1410, Assessment No. 148814 at 689 BEDFORD STREET.

**Sponsors:**      Brendmoen

*No show - approve the assessment.*

**Referred to the City Council due back on 8/20/2014**

- 6      [RLH TA 14-394](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 522 BLAIR AVENUE.

**Sponsors:**      Brendmoen

*No show - approve the assessment.*

**Referred to the City Council due back on 8/20/2014**

- 7 [RLH TA 14-386](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410G, Assessment No.148710 at 521 CASE AVENUE.

Sponsors: Brendmoen

*No show - approve the assessment.*

**Referred to the City Council due back on 8/20/2014**

- 8 [RLH TA 14-391](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 581-583 CASE AVENUE.

Sponsors: Bostrom

*Approve the assessment.*

*RE: 581-583 Case Avenue (Duplex)*

*Jane Hanson, Turn-key Properties Fund I LLC, owner, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order issued Apr 18, 2014; compliance Apr 22- it was a pre-authorized Work Order*
- no re-check date*
- work done Apr 22 for a cost of \$56 + \$160 service charge = \$216*
- no returned mail*
- some history in 2013*
- sent to TurnKey Properties Fund I LLC, 3104 Pacific St N, Ste 300, Mpls*
- indicated on SA: sofa, trash in rear yard*
- has photos*

*Ms. Hanson:*

- she sent the Notice about the St. Paul Annual Clean-up day to all her tenants and asked them all to clean the yard and to notify her if they had any large debris that they wanted to get rid of*
- the tenants didn't do that on the weekend of the clean-up, which was the 12th; they did it the following week; they didn't call her but she was out on Mon, the 21st and saw that there were sofas and trash piled up in the back and that they had cleaned the yard*
- any of the tenants who didn't clean it on the city-wide clean-up day, she called them and asked them to do it the following weekend, 18,19,20*
- these tenants did it that week*
- when the inspector came out Apr 18, there was sofa and trash but she wasn't aware of it until the following Mon, when she got a Notice from the city at 3:38 pm; she had already her dumping guy set up to pick up things at seven of the properties*
- she called Ms. Seeley early in the morning before 9 am and left a message on Apr 22, which was the compliance date, and let her know that she had a guy lined up to pick it up that afternoon; Ms. Seeley called her back at 1:30 on 4-22 and said that the city had already picked up everything and that she would have to appeal it*

*Ms. Seeley:*

- she does have that in her notes; 4-24 Parks cleaned up; property manager called me and wanted a few more days but the pre-authorized Work Order was already sent; Parks already did clean-up; she will file an appeal because she said that she did*

*not have enough time but there is a history of violations here in the past*

*Ms. Hanson:*

- *it was 4-22; I've got it in my notes, too*
- *she is not debating that there was stuff; she is saying that she already had someone scheduled to pick it up and I called the inspector the same day that she said she had it all picked up; so, when my guy got there later in the afternoon, it was already gone; the stuff at the other 6 properties was not*

*VIDEO*

*Ms. Moermond:*

- *go back; want to see the date on the VIDEO (no date)*
- *Ms. Hanson told the tenants to put the stuff in the yard and they did; they didn't deal with it the way she wanted it done, which was in conjunction with the clean-up; but maintenance of the yard is Ms. Hanson's responsibility, not there's*
- *making sure that there's adequate provision for garbage and for clean-up of furniture, etc., if Ms. Hanson's responsibility*
- *asked Ms. Seeley why she wrote an emergency abatement order instead of a standard abatement order*

*Ms. Seeley:*

- *sometimes, they do pre-authorized Work Orders when they're busy so if they don't have time to re-check, it will still get done and it won't sit there*
- *there was a lot and there's a previous history*

*Ms. Moermond:*

- *history: orders on refuse at this property in Apr, Aug and Oct 2013*

*Mr. Hanson:*

- *at that time, we had tenants who were cleaning out the basement; we had a Section 8 inspection coming up, etc.*
- *we got stuck on this because it was a weekend; she gave us 4 days over a weekend*
- *she does not drive by this property every day but she had someone scheduled to pick this up*

*Ms. Moermond:*

- *will recommend approval of this assessment*
- *can attend the City Council Public Hearing Aug 20, 2014*
- *asked staff to retain the VIDEO*

**Referred to the City Council due back on 8/20/2014**

**9**      [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

*Reduce assessment from \$310 to \$165.*

*RE: 1028 Concordia Avenue (Single Family)*

*John Wiebusch, son of owner, Kathleen Wiebusch, appeared.*

*Inspector Paula Seeley:*

- trash hauling Order sent Mar 10, 2014; compliance Mar 14; re-checked Mar 14
- hauler Order sent Mar 19 for Mar 19 - 26 for a cost of \$310
- no returned mail
- comments: inspected on complaint; found overflowing can in driveway; bags of garbage, loose and scattered garbage; household items; refuse throughout; some items frozen in snow; overflowing container was a Republic container; per Republic, account was suspended for nonpayment
- assessment fee: \$50 drop off + \$50 for 1 week's service + \$50 end service and pick up + \$160 service charge = \$310
- sent to Kathleen Wiebusch, 2185 Circle Drive, Newport, MN and Occupant
- a Summary Abatement Order was issued on Mar 14 by Inspector Joel Essling; he wrote: per Republic, account is still suspended for nonpayment; overflowing container....., he sent a Work Order on both the rubbish and the hauler
- Mar 17, 2014: phone call from property owner, Kathleen Wiebusch, stating that she does have garbage service; per Republic, her account still suspended for nonpayment; Mr. Essling called owner and left a message: you will have to provide name and number of trash hauler
- phone message from owner on Mar 17 stating that she paid the bill and service was resumed; Republic verified that property owner called and made payment over phone
- Inspector Essling waived the PAEC \$50 fine because he had to send the work order and the crew went out there; it was done by owner

*Mr. Wiebusch:*

- tenants live at this property
- the hauler contract lapsed at little but all of that was paid for
- owned the property for 10 years and didn't have any problems but had new tenants move in, who just couldn't get the pick-up date right; they'd leave is out and it was overflowing
- he took his truck and hauled for 2 days; however, he didn't get finished before the city crew came
- the crew showed up with a bobcat, a garbage truck and a container; he told them that it had already been taken care of but they still dropped off the container; they told him that he would need to protest/file appeal

*Ms. Moermond:*

- Orders went out to deal with the garbage on Mar 10; the deadline was Mar 14; the crew didn't drop off the container until Mar 19 (between the 14 and the 19, the service was restored (Mar 17))
- will recommend this assessment be reduced to a total of \$165
- City Council Public Hearing Jul 23, 2014

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

**10**      [RLH TA 14-411](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 123 COOK AVENUE WEST.

**Sponsors:**            Brendmoen

Approve this assessment.

RE: 123 Cook Avenue West (Single Family)

Delbert Moore, tax owner, appeared.

*Inspector Paula Seeley:*

- Clean-Up Order sent Apr 17, 2014; compliance Apr 23; notes say an extension was

*granted; occupants asked about keeping the camper and getting plates; told them that it needed to be parked on asphalt or concrete; gave them more time to clean yard and remove camper*

- re-checked Apr 28 and found in noncompliance; Work Order sent*
- work done Apr 30 for a cost of \$288 + \$160 service charge = \$448*
- sent to Cynthia Boisen, 426 Griggs Rd, Springfield Ctr, NY; Delbert Moore/Marion Florence Moore Trustee, 1276 MacArthur Ave, West St. Paul, MN*
- bold letters on SA: including removing furniture, scrap wood, chair, plywood, misc refuse throughout the rear yard*

*Mr. Moore:*

- the renter said that he was going to repair his smashed RV; it was parked in the yard*
- he got the letter and went over to tell him to remove the RV; it was taken care of in time*
- doesn't remember what the letter was about concerning the trash; an old fence too*
- the city came and hauled it away; one morning the renter called him and told him about it*
- they cleaned it all up the next week*
- is buying this property from a woman who lives in NY*

*VIDEO - removed scrap wood, misc junk, refuse in rear yard, mattress out of shed*

*Ms. Moermond:*

- it wasn't taken care of by the time the city crew showed up on Apr 30, which was almost 2 weeks later*
- will recommend approval of this assessment*

**Referred to the City Council due back on 8/20/2014**

**11**     [RLH TA 14-400](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 924 COOK AVENUE EAST.

**Sponsors:**         Bostrom

*Approve assessment and spread the payments over 5 years.*

*RE: 924 Cook Avenue East (Single Family)*

*Ray Williams, tax owner, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order issued for a clean-up Apr 24, 2014; compliance Apr 30; re-checked Apr 30*
- work done May 1, 2014 for a cost of \$316 + \$160 service charge = \$476*
- no history on the property*
- no returned mail*
- sent to John Bassing/Kelly Connor, 1559 Blackhawk Hills Rd, Eagan, MN; Raymond T Williams/Blasen, 924 Cook Ave E; and Occupant*
- notes: pile of rubbish, wood in SE corner of the property; tire, aquarium, improper storage on both porches; refrigerator, pallet*

*Mr. Williams:*

- the refrigerator, etc. he removed himself*
- come to see if the price can be dropped, if possible*

VIDEO showed a lot of material having been removed by the city crew

Mr. Williams:

- most he cleaned-up himself

Ms. Moermond:

- she sees a pretty substantial clean-up on the VIDEO and they left what they thought was not garbage

- she didn't see a tire or a refrigerator

Mr. Williams:

- he removed a lot more than that; he cleaned both the front and back porches

Ms. Moermond:

- the city did a lot of clean-up

Mr. Williams:

- the VIDEO did not show the crew picking it up; I actually picked up all that stuff

- his older son came out when the crew came and stopped them from what they were doing and I ended up cleaning it up myself

Ms. Moermond:

- so, the city didn't do the clean-up

Mr. Williams:

- what the city took was what was on this list but that was it

Ms. Moermond:

- well, that's what they were going to take - the items on the list; they weren't going to take anything that wasn't on the list

- so, Mr. Williams, if you cleaned up additional stuff, fantastic!

- the city Orders were on something else

Ms. Seeley:

- this is still a Vacant Building

- Inspector Ed Smith Condemned the building with Fire Inspector Sean Westenhofer due to illegal bedrooms in the basement

- if Condemnation is lifted by Jul 17, it will be removed from the VB Program;

Inspector Smith will do a follow-up

- it looks like Mr. Smith closed his file indicating.....Electric is still off; closed file and referred to VB with recommendation that the property be opened as a Cat 2 VB

Mr. Williams:

- no one is living there

Ms. Moermond:

- will recommend approval of this assessment divided over 5 years

**Referred to the City Council due back on 8/20/2014**

**12**     [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

Reduce assessment from \$448 to \$50.



RE: 808 Edmund Avenue (Duplex)

Max Elkin, tax owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Mar 12, 2014; compliance Mar 18; re-checked Mar 18
- work done Mar 19 for a cost of \$288 + \$160 service charge = \$448
- no returned mail
- some history
- sent to Marjorie Herkey, 2474 Chatsworth St, Shoreview, MN; and Max Elkin, 2700 Monterey Ave S, St. Louis Park, MN
- SA: including removing trash bags and misc refuse; trash on the ground by the garage and container
- photo show quite a bit of garbage

Mr. Elkin:

- he doesn't live in St. Paul so, he doesn't find out about these things until he has received some kind of notification
- this time, he has no record of even getting a notice
- unfortunately, his tenants won't take responsibility
- there have been times when there's been an overflow; so, to alleviate that, he ordered 2 containers rather than just 1
- each time he gets an Order, he does his best to take care of it
- came to see if there was verification of a notice having been sent to him

Ms. Moermond:

- staff has a copy of the Notice that was sent to Mr. Elkin; gave him a copy of the letter and photo
- there was no returned mail

VIDEO - shows a just a little overflow near garage

Ms. Moermond:

- by the compliance date, there were all kinds of garbage bags near the container;
- when the crew showed up, it was down to a smaller amount
- will give Mr. Elkin credit for a good faith effort
- will recommend reducing the assessment to a total of \$50
- explained that the city should not have to send Mr. Elkin a letter to make sure the property is maintained

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

- 13 RLH TA 14-383** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409B, Assessment No. 148108 at 717 FRY STREET. (Amended to File No. J1409B3, Assessment No. 148114)

**Sponsors:** Stark

7/14/14: Per SPPD, no record found. mxv

7/25/14: Restoration Professionals monthly invoice to the City indicates it was SPPD who called them. Pat Boland at Xcel says they got a call from Fire. So, I called Joe Yannarely to get a report from Fire. mm

7/29/14: received fire report. they were the ones on scene who called for boarding. recommend approval. mm

RE: 717 Fry Street (Duplex)

Jordan McLaughlin, son of owner, appeared.

Inspector Joe Yannarely:

- Summary Abatement Order for a board up issued by the St. Paul Police Dept on Mar 10, 2014 at 9 am
- cost: \$83.65 + \$160 service charge = \$243.65

Mr. McLaughlin:

- this confused him and that's why he's here
- they bought the property Jan 17, 2014 as a Category 2 Vacant Building and they restored it; it's pristine
- he is a general contractor
- they have been working on it the entire time and there was never a point at which it needed to be boarded
- the only thing that he can think of is that sometime in Mar, they were getting Xcel out to re-hook-up the gas meters so that they could start the furnace; Xcel decided to change out both meters instead of just turn them on; at the time, the neighbor was walking by and called the police saying she smelled gas (but this was at night); he got a call from someone at the city saying, "The Fire Dept is here; we had to enter the property. Someone smelled gas." They didn't find a gas leak in the house; it was at the Xcel side of the meter. They took a couple of screws out to get in through a door and they put the screws back in. That's the only thing it could be and that was Xcel's mistake for not sealing the meters properly
- hoping to get more details at this hearing

Mr. Yannarely:

- there's no boarding: invoice says secured 1 opening and secured 6 openings (windows)
- it was during the day so it wasn't even an emergency

Ms. Moermond:

- she will call the Police and Fire Departments to see if they have any reports on this and what happened (who went out there and who said what; did they remember contacting you; is hoping that when they contacted you that they said, "You can come out and do this if you want to"

Mr. McLaughlin:

- no; it was an Xcel or a city worker who called me; it wasn't anyone from the Police or Fire Departments

Ms. Moermond:

- will call Xcel to see what they say, too
- we will figure it out
- if they had you on the phone, they should have communicated the need to board the place, giving you an opportunity
- will get those reports and contact you by email

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

**Sponsors:** Thao

*If owner gets code compliance inspection signed-off by July 25, Legislative Hearing Officer will reduce assessment in half.*

*As of 8/4/14 No Code Compliance Certificate has been issued.*

*RE: 634 Iglehart Avenue (Three/Four Family)*

*Edward Welch, owner, appeared.*

*Inspector Joe Yannarely:*

*- Category 2 Vacant Building file opened Nov 14, 2012; Condemned by Inspector Efferson in Nov 2012*

*- annual VB fee \$1440 + \$155 Service charge = \$1595 (Nov 2013 - Nov 2014)*

*Mr. Welch:*

*- he paid one VB fee last year*

*- bought property in Mar or Apr 2013*

*- the house has been worked on and a lot of money has been put into it*

*- permits have been finaled on electrical, HVAC tomorrow; plumbing, any day*

*- he's trying to reduce his costs*

*- it will be done maybe next week*

*Ms. Moermond:*

*- basically, it's been 7 months between when the bill was issued and now*

*- if you have it done and signed off by Jul 25, 2014, she will recommend the VB fee be cut in half; if not, she will recommend approval of the whole thing*

**Referred to the City Council due back on 8/20/2014**

**15**     [RLH TA 14-413](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1410, Assessment No. 148814 at 781 IGLEHART AVENUE.

**Sponsors:** Thao

*Approve the assessment.*

*RE: 781 Iglehart Avenue (Two Family)*

*Walter Remine, owner, appeared.*

*Inspector Joe Yannarely:*

*- this is a Category 1 fire exempt Vacant Building since May 2013*

*- electrical and building permits are still open*

*- 2 work orders and 1 complaint for tall grass and weeds*

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

*- recently, it's been changed to a Cat 2 VB*

*Mr. Remine:*

*- it is very nearly done*

*- has expenses of \$60,000; brought in his receipts*

*- had a fire; insurance covered (tenants started a kitchen fire)*

*- he has been working on it constantly; he does a lot of it himself*

*- is trying to keep the costs down*

*- it will be done within 30 days*

*- need refrigerator, stove and finishing work is being done now*

Ms. Moermond:

- you have been in the VB Program already for 14 months without having to pay a VB fee and it will be 15 months before you may get your sign-off, so, it seems very reasonable that a full VB fee be assessed
- she will recommend approval divided over 2 years

Mr. Remine:

- is a Category 2 necessary?

Ms. Moermond:

- if things are where you say they are (permits out there and the work is being done), she doesn't know that the property would benefit from having a Code Compliance Inspection Report; she would like to get an assessment from the inspector on that when you have your next building inspection; she will find out from the inspector and based on what they see, she will make the call and notify you by email

Follow-Up 7/7/14: Steve Magner reviewed the case and changed this property from a Category 1 Registered VB to a Category 2 based on the house still being boarded, the age of the file, and permits not yet being finalized.

**Referred to the City Council due back on 8/20/2014**

**16**     [RLH TA 14-418](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1410, Assessment No. 148814 at 2039 ITASCA AVENUE.

**Sponsors:**     Tolbert

*If Code Compliance Inspection is finalized by Friday, July 18, Legislative Hearing Officer will reduce the assessment from \$1595 to \$200.*

*FYI: as of 8/7/14 - Appellant did not follow through with Steve Ubl to discuss scheduling of inspectors. Plumbing permit finalized on 7/21/14. Building permit issued on March 20, 2013 still open as of August 7, 2014. - MCM*

*RE: 2039 Itasca Avenue (Single Family)*

*Etenesh Badisso, owner and Samson Mengesh appeared.*

*Inspector Joe Yannarely:*

- Category 1 Vacant Building fee; entered the VB Program Apr 3, 2013
- there are active plumbing and building permits
- cost: \$1440 + \$155 service charge = \$1595
- 4 Orders for tall grass and weeds since it's been a VB

*Mr. Mengesh:*

- they have been working with DSI to get an extension; it's taking time with the insurance company and the contractors
- mother and father are going through a divorce; his father is having issues - problems signing checks so the judge had to Order his mother to sign the checks on behalf of his father because he wanted to get the job done cheaply
- they did the final walk through a couple of weeks ago
- hope to be finished with everything on the list on Wednesday

*Ms. Moermond:*

- if you are done by Fri of next week, she will recommend the VB assessment be

decreased to \$200

**Referred to the City Council due back on 8/20/2014**

- 17 [RLH TA 14-384](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No.148532 at 651 IVY AVENUE EAST.

**Sponsors:** Bostrom

*Approve the assessment.*

*RE: 651 Ivy Avenue East (Duplex)*

*Robert Wicker and Connie Rongitsch, Stratford Woodlane Inc, appeared.*

*Mr. Wicker:*

- they don't have any interest in this property; they entered a document to that effect when they were here last time; they went to the recorder's office this morning and their records show that Stratford Woodlane Inc has no interest since a cancellation of the contract, Dec 2013*
- we are still getting Notices from the city*

*Ms. Moermond:*

- the city is obligated to get their information from Ramsey County Property Taxes and Revenues; the Recorder's Office should be communicating with them*
- it's your issue to resolve this with the county*

*Ms. Seeley:*

- there are 2 names on the tax record office: Jerome A. Koslowski, Afton; and Stratford Woodlane Inc*

*Ms. Moermond:*

- it sounds like there's a delay of time in the transference of the record information*
- she needs to look into the situation and if this is on Ramsey County, then this would be deleted*
- she will get back to you*

**Referred to the City Council due back on 8/20/2014**

- 18 [RLH TA 14-392](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 521 JENKS AVENUE.

**Sponsors:** Brendmoen

*Approve the assessment.*

*RE: 521 Jenks Avenue (Single Family)*

*Chue Thaow, owner, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order issued Apr 22, 2014; compliance Apr 28; re-checked Apr 28*
- work done Apr 30 for a cost of \$316 + \$160 service charge = \$476*
- no returned mail*

- sent to Chue Thaow, 7749 Daleview Dr, Brooklyn Park, MN; and Occupant
- SA indicates: garbage, rubbish in yard

Mr. Thaow:

- he got 2 letters that were in the same envelope, dated Apr 22 and Apr 28, 2014
- Apr 28 letter had a deadline of May 7 to clean-up
- Apr 22 letter only marked for him to remove garbage and rubbish but there was no date
- he and his wife are from Australia and they don't want to go against the law
- when they received the Apr 28 letter setting the date for May 7, his wife called DSI office, where they told her to call Inspector Seeley in the morning between 7-9 am; so, his wife did call the next day to ask for an extension but Ms. Seeley said, "No"
- May 5, they went to their tenant and helped her clean up everything; most were bags of leaves; he went back later and didn't see anything
- May 7, Inspector Seeley called him early in the morning saying that the tenant had a lot of garbage; trash is full and there's a lot of bags; she suggested that he order a second bin or a larger bin
- I called Ms. Seeley and told her that I had ordered the 96 gal container

Ms. Seeley:

- her notes indicate scattered debris; owner needs another container
- Mar 31 - scattered trash; litter on the property; BFI is suspended as of 3-28; white car, no plates; so she sent Hauler Order
- she sent a Work Order on the garbage and a Summary Abatement Order on the vehicle without plates with an Apr 8 deadline
- Apr 8 - car gone; current service now; yard clean
- DSI received another complaint Jun 17, 2014: overflowing garbage in alley near back of property; Ms. Seeley went out and noted: "No garbage now; container empty; no action."

Mr. Thaow:

- he entered the Notices that he received

VIDEO - many bags near container; (dated 4-30 - 5-1)

Mr. Thaow:

- the neighbors said that the tenants have parties every day; he told his tenants that they could not do that anymore or they would need to move
- Inspector Seeley told him that each bag outside the container would be picked up by the rubbish man and charged \$2/bag

Ms. Seeley:

- she told Mr. Thaow that the garbage bags could not be stored outside

Ms. Moermond:

- the garbage in the photo near the container wasn't in the VIDEO that they just viewed
- the mattress and the leaf bag were in the VIDEO and rug
- it looks like the garbage got moved from it's location to the blvd

Ms. Seeley:

- sent Notice Apr 22; compliance Apr 28
- they had conversations earlier: 10-14-13 Order; Parks cleaned-up 10-18-13
- inspectors can't do an extension on garbage; the City Council wants a 4-day turnover on garbage

*Ms. Moermond:*

- *Mr. Thaow's 2 Notices he received in 1 envelope: 1 letter is to provide a garbage service; the other letter is to clean-up the property*
- *you got a 2nd container ordered but the city ended up doing the clean-up*
- *will recommend approval of the assessment*

**Referred to the City Council due back on 8/20/2014**

**19**     [RLH TA 14-419](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 875 JENKS AVENUE. (To be laid over to September 9 Legislative Hearing and September 17, 2014 City Council Public Hearing)

**Sponsors:**         Bostrom

*To be referred back to LH on September 9 and CPH on September 17, 2014. LHO will check with Ramsey County Property and Revenue to see when address change was made.*

*RE: 875 Jenks Avenue (Duplex)*

*Kong Fang, owner, and his father, Yee Fang, appeared.*

*Inspector Paula Seeley:*

- *Summary Abatement issued Mar 28, 2014; compliance Apr 2; re-checked Apr 2*
- *work done Apr 9 for a cost of \$316 + \$160 service charge = \$476*
- *sent to Kong Fang*
- *as of 4-9-14, mail returned with new address;*
- *SA indicated: garbage/Rubbish; all construction debris in rear yard; wood, carpet, pallets, appliances, furniture*

*Mr. Kong Fang:*

- *no work was done at all*
- *he did not receive any notification*
- *his wife called him at work asking if he had anyone coming by because they just tore down the fence; he called his mom to go out there and she asked what was going on? they had done some household cleaning; got rid of carpets, snow was still there; his mom called the supervisor of the person out there and found out that the notifications had never been sent to him because he had already moved out; so they just left it*

*Ms. Seeley:*

- *she remembers this one; James Hoffman called her and said that the woman who was living there was very upset and Ms. Seeley needed to get over there; Ms. Seeley went over there and apparently, Mr. Fang does not live at 875 Jenks but DSI sent the Order to Kong Fang at 875 Jenks Ave; the city crew did take down part of a fence because there was so much debris in that back yard and they started taking some of the stuff; she got someone on the phone who said he'd take care of it*
- *we better get the Certificate of Occupancy done on this house*

*Mr. Yee Fang:*

- *wanted to clarify; he is the caretaker of the property*
- *his son and his father in-law and mother in-law live in the building; he was in process of moving out; they were cleaning the building*
- *there was no notification from the city about this issue*
- *as the caretaker, I know my responsibility to clean the building out*
- *now, we are in the process of cleaning, painting, etc.*

*Ms. Moermond:*

*- will check with Ramsey County Taxation and find out what's going on regarding the addresses; who the owner is and where he lives; that is the city's responsibility - to provide Notice to the person at that address*

*NO VIDEO*

*Ms. Seeley:*

*- she put it in the C of O Program; that does have him now living at 560 Eagle Ridge Rd, Woodbury  
- she knew Kong wasn't living there and work was being done at this address without permits*

*Ms. Moermond:*

*- asked who was responsible for looking through the mail addressed to 875 Jenks Avenue*

*Mr. Kong Fang:*

*- his mother in-law opens the mail but if it's not their mail, they aren't going to open it; and it never got to him  
- he filed his new address with the Post Office  
- he said he changed his address with Ramsey County records  
- they tore down the fence and now they are saying they picked up the materials*

*Ms. Seeley:*

*- they did take some stuff out of there; thinks they should be charged for it*

*Ms. Moermond:*

*- will LAY this OVER for 1 month to look at the VIDEO*

*7/30/14: RC indicates sale on 11/10/09 for \$110,000. RC has used address of 875 Jenks for Kong Vang since that time. It also lists him as the homesteader.*

**Referred to the City Council due back on 8/20/2014**

**20**     [RLH TA 14-404](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1410, Assessment No. 148814 at 661 LASALLE STREET.

**Sponsors:**        Stark

*No show - approve the assessment.*

**Referred to the City Council due back on 8/20/2014**

**21**     [RLH TA 14-417](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 909 MAGNOLIA AVENUE EAST.

**Sponsors:**        Bostrom

*Delete the assessment.*

*RE: 909 Magnolia Avenue East (Duplex)*



*Gina M. Maggi, owner, appeared.*

*Inspector Paula Seeley:*

- *Summary Abatement Order issued Apr 9, 2014; compliance Apr 14; re-checked Apr 14*
- *work done Apr 16 for a cost of \$360 + \$160 service charge = \$520*
- *no returned mail*
- *no history*
- *sent to Gina Maggi, 909 Magnolia Ave E, St. Paul; and Occupant*
- *notes: remove TV in rear yard near alley*
- *photos show broken TVs; could be illegal dumping*

*Ms. Maggi:*

- *she gets a lot of illegal dumping that she takes care of (stoves, mattresses; they tuck stuff between the garage and the fence)*
- *she did not get a Notice on this one; she got one for a bunch of lawn furniture, which was actually on her neighbor's rental property; she called and spoke to a male inspector at DSI; he came back out and told her that he had written down the wrong address*

*Ms. Moermond:*

- *asked Ms. Maggi to show her the property line on the photo (right between the garage on her side and the fence on the neighbor's)*
- *asked if Orders had been written to the adjacent property owner, too*

*Ms. Seeley:*

- *there were Orders written for furniture in alley on Apr 9 for 905 Magnolia Ave*
- *suggested recommending deletion; both should have received the same SA Order*

*Ms. Moermond:*

- *because this was not properly notified, she will recommend this assessment be deleted*

*Ms. Maggi:*

- *she catches people in between her garage and the neighbor's fence doing drugs*
- *she does have a light in the alley*

*Ms. Moermond:*

- *suggested that Ms. Maggi talk with Scott Renstrom, Ward 6 office about the dumping and the drugs*

**Referred to the City Council due back on 8/20/2014**

**22**     [RLH TA 14-389](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 386 MAPLE STREET.

**Sponsors:**     Lantry

*Forthcoming. Laid over for Staff Report.*

*RE: 386 Maple Street (Single Family)*

*Charmayne and Jeannette Jones, owners, appeared.*

*Inspector Paula Seeley:*

- *Summary Abatement Order issued Mar 19, 2014; compliance Apr 30 (Remove*

*improperly stored/accumulated refuse, etc; remove appliance on the side porch by Mar 27; and remove collapsed shed by Apr 30)*  
 - 2nd Summary Abatement Order issued Apr 2, 2014 when she went to check on the vehicles; compliance Apr 11; the dilapidated shed was open this time; sent Work Order  
 - work done Apr 14, 2014 for a cost of \$364 + \$160 service charge = \$524  
 - Comments: owner called and was angry that the city removed the shed and its contents; she thought she had until Apr 30; I sent the 2nd SA because the shed was now open and it was not on the first inspection  
 - talked with owner, who said there was valuable items in the shed; the crew said there was nothing but junk  
 - history: 8-16-13 Orders on rubbish and vehicles; open file on house for the porch

*Ms. Jones:*

- on Mar 19, she sent Order for the shed and the porch  
 - on Apr 2, she sent another Order but there was nothing on there about the shed because we had until Apr 30 to remove the shed  
 - we moved the car and she came back and tore the shed down when we still have 12 days left to get rid of the shed  
 - I called her exactly when it was going down and she said that she made a mistake  
 - also talked to Mai Vang and several others because I didn't understand why they came and took it down when we still had time left

*Ms. Seeley:*

- she did it right but she should also have added "AMENDED" SUMMARY ABATEMENT on the 2nd one because she wanted it down sooner because it was open  
 - Ms. Jones' can file a claim

*VIDEO - shows shed with items in it and the shed/contents removed*

*Ms. Moermond:*

- wants to know the date on the VIDEO disc: Apr 9 - Apr 17, 2014

*Ms. Jones:*

- the day before the crew removed the shed we had a big snowstorm  
 - they inherited a lot of tools from their grandfather and their father's things; they were in that shed, too

*Ms. Moermond:*

- wants to look at this more thoroughly  
 - will LAY this OVER for 2 weeks  
 - will email

**Laid Over to the Legislative Hearings due back on 7/22/2014**

**23**     [RLH TA 14-397](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 228 MORTON STREET EAST.

**Sponsors:**     Thune

*No show - approve the assessment.*

**Referred to the City Council due back on 8/20/2014**

- 24 [RLH TA 14-398](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 240 MORTON STREET EAST.

**Sponsors:** Thune

*Owner called and stated she will be out of town and asked to be rescheduled to July 22. On July 22, she didn't show.*

*7/22/14: called and stated she spaced out and missed the hearing. Rescheduled for the last time to August 5th.*

**Laid Over to the Legislative Hearings due back on 8/5/2014**

- 25 [RLH TA 14-403](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1410, Assessment No. 148814 at 1033 REANEY AVENUE.

**Sponsors:** Lantry

*8/20/14-no cert of code compliance issued yet. Two electrical permits, one plumbing permit and the bldg permit stil active.*

*If rehab is done by August 20, 2014, Legislative Hearing Officer will prorate the Vacant Building fee to half.*

*FYI: As of 8/7/14 there has been no activity on building permit since October of 2013. Will wait to 8/20/14 to see if there is a final and Code compliance certificate has been issued.*

*RE: 1033 Reaney Avenue (Duplex)*

*Mai Yang, owner, and her daughter appeared.*

*Inspector Joe Yannarely:*

- Annual Vacant Building fee cost \$1440 + \$155 Service charge = \$1595 (for Mar 2014 - Mar 2015)*
- fire damaged house house that entered the VB Program on Mar 8, 2013; was given a 90-day waiver and the rehab is still not complete*
- electrical permit was issued May 28*
- a plumbing permit is also outstanding*

*Ms. Yang:*

- they are waiting for the contractors to finish the work and getting the permits finalized; hoping that's within 1 month; they are waiting on everyone else*
- her mom has pushed but the contractors are also working on other properties*

*Ms. Moermond:*

- she would like to reduce the cost but she needs a time certain*
- if the rehab is done by Aug 20, she will recommend prorating the fee to half divided over 2 years; if the rehab is not done by Aug 20, she will recommend approving the entire VB fee divided over 2 years*
- she will check the computer system to see if the Code Compliance Certificate has been issued*

**Referred to the City Council due back on 8/20/2014**

- 26     [RLH TA 14-409](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 665 SELBY AVENUE.

**Sponsors:**     Thao

*Approve the assessment.*

*RE: 665 Selby Avenue (Apartment)*

*Margaret Metzdorff, Twin Cities Housing Development Corporation, owner, appeared.*

*Ms. Metzdorff:*

*- they purchased St. Alban's Park in Sep, 2013 and began construction immediately; unfortunately, they also changed management companies at the same time; as part of the change over, they changed garbage hauler and when their general contractor started the project, a dumpster got trapped in the midst of the construction area; so, tenants used it but she didn't know that it was there (it was encased within large construction related debris - dumpsters as well as large containers; they first became aware of it when a tenant called; however, she called the city the same day  
- property management, working alongside the general manager's job supervisor, cleaned out the dumpster with a bobcat because it was frozen  
- she has a statement from property management, Real Estate Equities, that they along with construction, cleaned out the dumpster and moved it to another dumpster that was acceptable at the time*

*VIDEO - city crew cleaned up debris around the dumpster*

*Inspector Paula Seeley:*

*- Summary Abatement Order issued Apr 3, 2014; compliance Apr 7; re-checked Apr 7  
- work done Apr 10, 2014 for a cost of \$316 + \$160 service charge = \$476  
- no returned mail  
- sent to St. Alban's Park II LLP, 400 Selby Ave Ste C, St. Paul MN; and Selby Dale Cooperative, 627 Selby Ave, St. Paul  
- note: overflowing WTI dumpster and enclosure at rear of bldg; mattresses, garbage, refuse spilling out of it*

*Ms. Metzdorff:*

*- is embarrassed because she was told that this was taken care of by property management  
- apologized*

*Ms. Moermond:*

*- will recommend approval of this assessment  
- provided Ms. Metzdorff with photos*

**Referred to the City Council due back on 8/20/2014**

- 27     [RLH TA 14-396](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 1246 SEVENTH STREET EAST.

**Sponsors:**     Bostrom

*Approve the assessment.*

*RE: 1246 Seventh Street East (Single Family)*

*Lowery Smith, son of the owner and property manager of this property, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement issued Apr 8, 2014; compliance Apr 14; re-checked Apr 15*
- work done Apr 17 for a cost of \$400 + \$160 service charge = \$560*
- no returned mail*
- sent to Grant and Anna Smith, 1012 3rd St SE, Rochester, MN and Occupant*
- bold letters: scattered furniture in yard and porch area; garbage piled by garage and yard area*

*Mr. Smith:*

- his brother is appealing*
- he said that he hadn't received the letter in time*
- he is asking for a reduction because they were having problems with the tenants lack of communication*
- he posted a letter Mar 28 for them to move out; on the 9th, he filed an unlawful detainer; the eviction went through and they were to go the 29th*
- he could touch the furniture on the porch because it was their personal property; he wasn't sure what to do*
- the garbage in the garage and the destruction of the house and garage was all due to the bad tenants*
- they had been paying for trash hauling all the way through so he's not sure why there was so much garbage because there was a lot in the garage*
- he is asking that the furniture on porch be taken off the assessment*

*VIDEO -garage door open; trash inside garage; scrap wood, trash and debris in yard; furniture on front porch*

*Ms. Moermond:*

- Notice went to you and the Occupant (they knew what was going on)*
- garbage was all over and inside the garage; open garage door*
- furniture on porch is a private matter between you and the tenant about who's responsible financially, for taking care of it*
- you have an Order to comply with*
- will recommend approval of this assessment*

**Referred to the City Council due back on 8/20/2014**

**28**     [RLH TA 14-390](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410G, Assessment No. 148710 at 1549 SEVENTH STREET EAST.

**Sponsors:**     Bostrom

*LAI D OVER FOR STAFF REPORT: Forthcoming recommendation.*

*RE: 1549 Seventh Street East (Single Family)*

*Robert Thao appeared.*

*Order to Provide Garbage Service*

*Inspector Paula Seeley:*

- Hauler Order issued Mar 14; compliance Mar 18; re-checked Mar 19; Work Order sent*

- cost: \$200 + \$40 service charge = \$240 for 4 weeks of trash service
- no returned mail
- there is a forthcoming assessment on more weeks of trash hauling
- sent to James Thao, 1549 7th St E

Mr. Thao:

- he was here before talking about the trash outside; he did clean it up
- he still has the restaurant with the big container
- since the first hearing, he ordered trash service for this property
- the city also put a trash can out there for him to pay for 2-3 weeks; he didn't even use it because he has his own trash service
- believes that this assessment should be deleted; he complied

Ms. Moermond:

- she needs to see receipts for trash hauler service payment
- you needed to provide evidence to the inspector that you had gotten trash hauling service
- wants to give him a break; just get her some evidence

Mr. Thao:

- he will do that because he contracted with Advanced Disposal

Ms. Seeley:

- he didn't start up with Advanced Disposal until Apr 21, 2014
- she went out Mar 14 and there were several bags of garbage with no container, so, she sent a Summary Abatement for a hauler; she went back out on Mar 19 and Work Ordered the garbage, which the city cleaned up and charged him; then, she Word Ordered the hauler for a container, which remained out there until Apr 21 when and Advanced Disposal container showed up
- she will call Advanced Disposal to get the start up dates

Ms. Moermond:

- will email Mr. Thao with the results

**Laid Over to the Legislative Hearings due back on 7/22/2014**

- 29     [RLH TA 14-395](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 1153 SHERBURNE AVENUE.

**Sponsors:**     Stark

*No show - approve the assessment.*

**Referred to the City Council due back on 8/20/2014**

- 30     [RLH TA 14-393](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 164 STEVENS STREET WEST.

**Sponsors:**     Thune

*Delete the assessment.*

*RE: 164 Stevens Street West (Single Family)*

*Josh Rietman appeared.*

*Inspector Paula Seeley:*

- *Summary Abatement Order issued Apr 3, 2014; compliance Apr 8; re-checked Apr 8*
- *work done Apr 10, 2014 for a cost of \$316 + \$160 service charge = \$476*
- *returned mail: Apr 5 - mail sent to Superior Development Inc, 1048 Payne Ave Unit B returned; no forwarding address*
- *also sent to Occupant*
- *notes: 2 refuse containers tipped over spilling refuse onto the blvd*
- *photo*

*Mr. Rietman:*

- *didn't get the Notice*
- *the last one he received was on Jan 15, 2014 for refuse, garbage, rubbish, furniture, etc.; they took care of that; and he evicted these tenants in Feb 2014 so they would not have gotten that letter either*
- *doesn't understand why their mail was returned to the city; the Apr Notice went to the right address*

*Ms. Moermond:*

- *will recommend this assessment be deleted*
- *looks like tipped over garbage containers and raccoons had a field day with them on the blvd; and they sat there for over a week*
- *she expects property managers and owners to drive by frequently and take care of things*

**Referred to the City Council due back on 8/20/2014**

**31**     [RLH TA 14-415](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 624 SUMMIT AVENUE.

**Sponsors:**     Thune

*Reduce from \$200 to \$100.*

*RE: 624 Summit Avenue (Apartments)*

*Gwynne L. Evans, owner, appeared.*

*Inspector Paula Seeley:*

- *Summary Abatement Order to remove Snow/Ice sent Mar 25; compliance Mar 27; re-checked Mar 28*
- *work done Mar 31, 2014 for a cost of \$40 + \$160 service charge = \$200*
- *sent to Gwynne Evans, 1405 Summit Ave; and Occupant*
- *no returned mail*
- *photos show really icy sidewalk*

*Ms. Evans:*

- *she got the Notice and called the caretaker who went out to shovel; they have always shoveled but we had hot/cold/hot/cold last winter; they put down about 75 lbs of salt on the sidewalk corner lot*
- *she contacted John Ross and told him what they did; he said he'd go out and look at it; he called back and said it was perfect; he said that he got another phone call; Ms. Evans called him back and said, "It's just fine; I'm closing the file."*

VIDEO - salted and sanded

Ms. Evans:

- she talked with Inspector Ross on a daily basis
- since she got this letter in the mail, she called to see if she owed anything and they said, "No. It looks like we went out there but you don't owe us anything." (just recently)
- she had 2 caretakers come in to help clean off the sidewalk and John Ross said it was good

Ms. Seeley:

- there are 2 open files: 1) snow walk came in Mar 11: corner lot on Dale abated; crosswalks are clear to the concrete; sidewalk is cleared of loose snow and remaining compacted snow has been heavily salted; they are changing maintenance service and they were advised that any future complaints will go directly to Work Orders if not abated in time frame given; the property, although responding, has been doing a marginal job of snow clearing; it is a very high traffic visible area; talked to the Property Owner; service put down salt and opened crosswalks but more work needs to be done; 2) another snow complaint came in Mar 26 and Mr. Ross went out Mar 28 and immediately sent Work Order saying it was very icy

Ms. Evans:

- he told me that it was good and he told me that he closed the file; he also told that to the caretaker
- after she got the Notice, she called Mr. Ross and said, "You told me you closed the file; please answer my phone call." I had no returned call.

Ms. Moermond:

- it doesn't sound as though he and you were speaking the same language on this
- is looking at a substantial amount of ice on the deadline; it was diminished in the next 3 days
- noted that the sidewalk beyond this one was clear from side to side (they were able to maintain their sidewalk while you were not able to maintain this one)
- also, this is a key intersection; people need to be able to navigate the sidewalks
- the crew just salted and sanded
- will recommend dividing this assessment in half; a good faith effort was made

**Referred to the City Council due back on 8/20/2014**

- 32     [RLH TA 14-387](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No.148532 at 395 THOMAS AVENUE.

**Sponsors:**     Thao

*No show - approve the assessment.*

**Referred to the City Council due back on 8/20/2014**

- 33     [RLH TA 14-416](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 213 WINIFRED STREET EAST.

**Sponsors:**     Thune

*No show - approve the assessment.*



Referred to the City Council due back on 8/20/2014

- 34 [RLH TA 14-401](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 1068 WOODBRIDGE STREET.

**Sponsors:** Brendmoen

*Delete the assessment.*

*RE: 1068 Woodbridge Street (Duplex)*

*Patrick Hogan, owner, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order issued Apr 21, 2014; compliance Apr 23; re-checked Apr 23
- work done Apr 24, 2014 for a cost of \$288 + \$100 service charge = \$448
- recommends deleting assessment because the SA gave him only 3 days to get done

*Mr. Hogan:*

- appealing for not being given enough time to complete the work on the exterior
- it is illegal dumping

*Ms. Moermond:*

- will recommend deleting this assessment per Ms. Seeley

Referred to the City Council due back on 8/20/2014

- 35 [RLH TA 14-420](#) Amending Council File RLH AR 14-30 to delete the assessment for Property Clean Up services from February 3 to 28, 2014 at 1300 THIRD STREET EAST. (File No. J1408A, Assessment No. 148524)

**Sponsors:** Lantry

*Delete the assessment.*

*RE: 1300 Third Street East (Single Family)*

*Mari Graham, owner, appeared.*

*Inspector Paula Seeley:*

- Snow Order issued Feb 4; compliance Feb 7; re-checked Feb 7; Work Order was sent to open the cross walks
- work done Feb 11, 2014 for a cost of \$320
- sent to Occupant at 1300 Third St E; and to Mari Graham, 1300 Third St E
- no returned mail

*Ms. Graham:*

- she never got something that was supposedly sent in Mar
- she appreciates Mai Vang scheduling her so soon
- didn't get anything until about 1 week ago and she began calling immediately
- she got the warning in Feb and she called immediately to let them know that the temperatures were very cold and there was ice that she could not get with her shovel; so, she was salting; however, it was so cold, that the salt wasn't doing any good; she

spoke to a woman, who said that they just need to see that you're making a good faith effort

- entered a letter that she sent
- she saw the truck with 2 guy come and she thought that they were doing it as a courtesy; "they're doing it because I'm on a bus line"
- if she doesn't get out there right away, the bus traffic packs down the snow and it gets so hard that she can't get her shovel under it; then, she salts and usually temperatures warm up so that she can get it up eventually but not this winter; sometimes, she was out at midnight to try to keep up with the bus traffic; as an older single person, that's the only way she can manage it
- she has had trouble with her mail; there's documentation at her Post Office; for some reason, mail addressed to her correct address was being sent back; she also was receiving other people's mail

Ms. Moermond:

- she takes the bus so she can relate to how the snow gets packed down; thinks that Metro Transit should be taking some responsibility for maintaining those bus stops (her personal opinion)
- checked her weather charts and although there was no precipitation during that time period, the lows were all below zero and the highs were below 15 degrees, which means that salt is not effective at that temperature
- based on those considerations, she will recommend this assessment be deleted

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

#### **Special Tax Assessments - TO BE DELETED**

- 36**     [RLH TA 14-412](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 1329 SELBY AVENUE.
- Sponsors:**     Thao
- Delete the assessment. Summary Abatement Order was never issued to property owner. (No hearing necessary)*
- Referred to the City Council due back on 8/20/2014**
- 37**     [RLH TA 14-388](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 1006 THIRD STREET EAST.
- Sponsors:**     Lantry
- Delete the assessment because summary abatement order did not have a box marked indicating what nuisance needed to be abated. (No hearing necessary)*
- Referred to the City Council due back on 8/20/2014**
- 38**     [RLH TA 14-385](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1410G, Assessment No. 148710 at 1316 TOPIC LANE.
- Sponsors:**     Bostrom
- Delete the assessment due to improper notification. (No hearing necessary)*

Referred to the City Council due back on 8/20/2014

#### Special Tax Assessments - ROLLS 8/20/14 CPH

- 39 [RLH AR 14-49](#) Ratifying the assessments for Collection of Vacant Building Fees billed April 3, 2013 to February 18, 2014. (File No. VB1410, Assessment No. 148814)

Sponsors: Lantry

Referred to the City Council due back on 8/20/2014

- 40 [RLH AR 14-50](#) Ratifying the assessments for Property Clean Up services from March 31 to May 2, 2014. (File No. J1410A, Assessment No. 148532)

Sponsors: Lantry

Referred to the City Council due back on 8/20/2014

- 41 [RLH AR 14-51](#) Ratifying the assessments for Trash Hauling services during April 2014. (File No. J1410G, Assessment No. 148710)

Sponsors: Lantry

Referred to the City Council due back on 8/20/2014

- 42 [RLH AR 14-52](#) Ratifying the assessments for Excessive Gas Flow Valve services from February to April 2014. (File No. FV1402, Assessment No. 148901)

Sponsors: Lantry

Referred to the City Council due back on 8/20/2014

#### 11:00 a.m. Hearings

##### Summary Abatement Orders

- 43 [RLH SAO 14-16](#) Appeal of Kevin Odom to a Summary Abatement Order at 472 CONCORD STREET.

Sponsors: Thune

*Grant the appeal based on conditions to be met.*

*RE: 472 Concord Street (Single Family)*

*Kevin Odom, Guadalupe Alternative Programs, appeared.*

*Inspector Joe Yannarely:*

*- hoped that the zoning results would be back*

*Mr. Odom:*

- the Board of Zoning Appeals voted and approved the variance for a 3 foot setback (attached)
- they are ready to start work
- architect said that he will submit plans to Plan Review in 4 days; there is a small backlog right now; he anticipates being out of Plan Review in 3-4 weeks
- all his contractors are ready to go

Ms. Moermond:

- asked Mr. Odom to create a time table outlining where they will be at different points of the project
- asked when the hole will be filled

Ms. Odom:

- once the basement has been constructed, they will backfill the hole
- he will email the time table
- will recommend this appeal be granted on the condition that the time table/work plan be submitted, noting that the backfill addresses the Summary Abatement Order

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

**43**     [RLH VO 14-25](#)

Appeal of Gerald Kaluzny, Southern Minnesota Regional Legal Services, on behalf of James Frye to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 1755 GRACE LANE.

**Sponsors:**     Lantry

*Laid over to get Supervisor Fire Inspector Neis to inspect the interior of the property*

*RE: 1755 Grace Lane (Single Family)*

*Gerald Kaluzny, Southern Minnesota Regional Legal Services (SMRLS), on behalf of James Frye, occupant, appeared.*

*Inspector A. J. Neis:*

- *Fire Certificate of Occupancy Inspection*
- *Notice of Condemnation-Unfit for Human Habitation/Order to Vacate by Inspector George Niemeyer and himself on Jun 18, 2014*
- *they received a complaint that the property was in foreclosure; the owner had removed light fixtures, ceiling fan, there was a new property owner*
- *during Mr. Niemeyer's initial inspection, he contacted Mr. Neis because he was curious about the occupancy rules within the City of St. Paul; Mr. Neis accompanied Mr. Niemeyer and found that there were many occupants living in the house (11 or more)*
- *they found illegal sleeping rooms in the basement; people residing on couches; mattresses on the floor; etc.*
- *he had 6 occupants removed immediately during the inspection*
- *he had to contact the Police Dept because one of the occupants put his hands on Mr. Neis; another occupant was yelling at his face; SPPD removed those occupants*
- *from his observations, he concluded that this was obviously an illegal boarding house: 1) individual locks on room doors; and 2) unrelated adults living there, by their own admission (zoning code violation)*
- *during the inspection, he spoke with Mr. Frye, who told him that he had no place to go; he had moved here from a homeless shelter*
- *Mr. Neis was going to vacate the property, immediately but due to Mr. Frye's condition, he decided to not Condemn the house and vacate immediately; instead, he offered to give Mr. Frye to give him until 11:30 a.m. to Vacate*
- *he advised Mr. Frye that there were a lot of illegal activities going on at the house*

- Mr. Neis believes that Mr. Frye was not completely innocent in those activities but gave him the benefit of the doubt; and as long as he had agreed to keep it to no more than 4 unrelated adults and keep order in the house; not have any further issues, he would allow him to be there until the Jul 1, vacate date
- during the inspection, one of Mr. Frye's cohorts came up to him, who was picking up 2 suspicious females who were leaving and actually said to him, "You think now we can get some better prostitutes in this house?" At that time, Mr. Neis told him that this was not a joke! Coincidentally, he found out 2 days later, that there is possibly, a police investigation going on about the same hunches that he had on that day
- Mr. Frye agreed to keep order and peace in the house and to have only 4 unrelated adults living there; however, from his understanding, that has not been happening

Ms. Moermond:

- asked if a re-inspection has been done

Mr. Neis:

- he attempted to do a re-inspection because there was another complaint but they didn't go to the property on Jul 1, 2014 because of the appeal; however, that same day, they received another complaint on the house: wires hanging from the ceiling and other electrical issues; so he went back there on Jul 2, again with police; he knocked several times and there was no answer; he walked around the property and no one seemed to be around; because of that and the appeal scheduled for today, he closed out the complaint
- the next day, Jul 3, he received an email from Ms. Angie Weise; she had received a phone call from Mr. Frye, who had wanted to know why we had been at his property when we had no right or reason to be there (because he had appealed the Condemnation)
- the illegal rooming and boarding is what lead to the Condemnation
- the house has caused a burden on the neighborhood
- there have been multiple issues
- Mr. Frye had agreed that there wouldn't be any parties; there wouldn't be any problems; and it seems that the only thing that's happened since his inspection on Jun 18 is that the problems have gotten worse
- the neighbors have sent anonymous emails "out of fear of retaliation from the characters that are coming and going from this house at all hours of the night; the yelling, screaming; there was an accident in front of the house"
- former owner is gone and the bank (Freddie Mac) has full vested interest in the house
- he read some anonymous letters/emails: "cars coming and going all hours of the night; fighting; screaming; swearing; a woman was thrown down the front steps; ladies crying for help, who called the police for help; 14 people have been living there at any given point; drinking in the front yard - all day - all night; Sun evening, 7 police officers showed up at the property; they entered the house with guns drawn; women come and go; women dressed like hookers and men come and pick them up; on Jul 1, there were approximately 7 cars in front of the house....etc...."; another person email: witnessed daily at this address: for sure, there are 4 people staying at the house; there are many others that sleep there; they keep their belongings in the trunks of their cars; people go in and out all day every day and all night long; constant traffic with suspicious activity and people; at one time there were 14 people staying there with children, also; cops have been called on many occasions; witnessed fighting and arguing several times; they don't know why this is allowed; the neighborhood is getting frustrated; this situation is making the whole neighborhood feel unsafe...."

Mr. Kaluzny:

- overview of this property: a man by the name of Sean Bowman had lived at this address before this and he had a lot of people living with him; he thinks that this has been a problem property for some time
- he represents James Frye, who's been dumped in the middle of this; he is disabled
- has pancreatic cancer and used his emergency assistance to move into this 5-bedroom house; he thinks that it was a violation of the ordinance; it was 5 unrelated people that would require different zoning
- Mr. Frye didn't know the zoning laws when he moved in
- he used his last dime to get into this place and it's not really a great place; he contacted SMRLS office and little did he know that this place was already in foreclosure; this guy, Bowman, who took his last nickel, may not even been entitled to take his last nickel because Freddie Mac probably already owned it
- Mr. Bowman is gone and this place becomes a "free for all"
- when Mr. Frye rented the place, there were 5 bedrooms and the house was rented to 5 people; he acknowledges that there were more than 5 there
- Mr. Frye came to SMRLS office before this stuff even started; he said that there was no trash pick-up; the grass wasn't being cut...Mr. Kaluzny told him to call the city because they could take care of that and do assessments, etc. Now, based on SMRLS advise, Mr. Frye is being put out by the city because he was trying to get help
- the original 5 renters were: 1) Debbie Bowman, mother of the owner; 2) Tasha Martin and her son; 3) Ron Oltmann, here today; 4) a person named Holly; and 5) a person named James (don't have their last names)
- when Inspector Neis was at the property in the morning of Jun 18, more than 5 were there (probably 7 or 8); there were some life-safety issues that had already been addressed by Mr. Frye; Mr. Frye sort of became in charge of this building
- obviously, all these anonymous emails with no dates that came in---- is not sure that's the real picture of what's going on right now
- went through the deficiency list:
  - exposed wiring has been fixed
  - no longer using extension cords
  - the obstructed exit has been taken care of
  - number of address on the front of building
  - they have discontinued this as a rooming house (currently, there are 2 people living there: Mr. Frye and Ron Oltmann)
- they think that the complaints are not recent complaints; they dispute what anonymous people are saying about the property
- the trash hadn't been picked up; however, Mr. Frye has contracted with Walters Refuse
- in summary, the trash has been taken care of; windows ordered; light fixtures have been ordered; basically, some things remain: handrail, walls that need to be fixed; but they are not life-safety issues
- he believes that a lot of the complaints are not valid; they pre-date today or they haven't been verified
- he is in discussion with the mortgage company (cash for keys situation)
- thinks that it would be appropriate to have another inspection to verify whether this should remain a Condemnation or not; you should be able to tell right away if there's mattresses or other evidence of others living there; the inspector is good at such observations; to verify whether or not the life-safety issues have been taken care of; the Order says that there will be a re-check; we can set up a date and time right now
- today, nothing has been verified and he thinks that it would be appropriate to verify with another inspection this week and to lay this over to the following week

Mr. Frye:

- it was said that on Jul 2, seven police came to the house; there were no police officers at the house at all on Jul 2; the only officers who were at the house at all

were the ones that Inspector Neis brought there

- he called the city to come out because of what the landlord (Bowman) was doing to the house and he was concerned; the city didn't just come over on a complaint, he called them to come; he was happy for Mr. Neis' help to get rid of some of those people who shouldn't have been there; now, it's down to only 2 people in the house
- there haven't been any wild parties or any other wild things going on; he doesn't know where all these allegations are coming from except that he thinks the neighbors are just fed up with what had been going on there and so is he; he understand their concerns
- now, the house is actually quiet at night; it's nice to be around there for a change; he has tried to things around so that the bad element is gone
- Mr. Bowman's Ex had been over there and she brought bad elements over there but there was never any prostitution going on at the house; there have never been any charges for prostitution and there never has been any arrests for that at that house; so, it's all just speculation, wild speculation; he hasn't seen any of that since he's lived there
- he has taken control and kept the bad element out; now, it's more than livable
- they are working on a cash for keys situation with Freddie Mac; the bank will move them out into a different place and give the neighbors some peace of mind

Mr. Neis:

- he may have mis-spoken and said "7 police officers" showed up;" to clarify, it was "7 cars" as described in an email of Jul 1
- the house has quieted down since the last inspection; don't know if the neighbors will be willing to come up and express that

Ms. Moermond:

- just for the record, Mr. Frye is not the property manager nor the owner; so although she is glad that he is taking some responsibility for taking care of the house, the city can't hold him personally accountable
- will also note that one of the Orders indicates that there wasn't access provided to all parts of the house; so, the Orders are relevant to only those parts of the house that have been seen

Jessica and Stan Magnuson:

Ms. Magnuson:

- they live immediately next door at 1753 Grace Lane
- this is not a personal attack on Jim; she doesn't know him personally
- they are here because they have lived on this street for almost 10 years and they have 2 small children: ages 6 and 3
- the children's quality of life has been drastically affected by this; it's hard for her to talk about because she gets emotional
- she is a stay at home mom and it's difficult for her when she is outside with the children and there's an altercation going on next door where inappropriate language is being used, etc. and she has to tell the kids that they need to go inside because of what's going on next door
- they knew Sean and Tammy Bowman and their children, who had lived there previously; there were on-going domestic issues with Sean and Tammy but there were never safety issues; she never felt unsafe about her children playing with their children
- there's a lot of traffic at the house
- a person may park in front of the house and just sit there for 30 minutes or so; people she doesn't know; it's uncomfortable and it feels unsafe
- she knows her other neighbors and their families
- the bottom line for her is the quality of life for her children
- all winter she was concerned about what she was going to do when summer came

and her children want to be outside; cars are coming and going; there's fighting, etc.; summer is here and the children's summer is being affected

- this has put a damper on them and on the neighborhood
- they don't own the house but people are living there; she is confused as to how they are allowed to live there, etc.

Ms. Magnuson:

- he believes what Mr. Frye says is generally, true; but he is not the landlord so, his fear is that this house has a reputation and although Mr. Frye has done what he can in good faith, he does not have the ability to keep it safe; he is not in a position to make things happen; he believes that the house will continue to be identified as what it was
- he has worked with the police on this but they said that they can't really do anything
- he's witnessed dozens and dozens of police interventions at that house
- they don't have any vengeance against anyone; they just want their neighborhood back
- people do have rights, too; but for him it's about the safety of his family and the neighborhood

Ms. Moermond:

- should have been more clear about this earlier: she is looking at a set of Fire Orders for the maintenance and operation of this house; she is not looking at police issues going on there; it is within the ability of the Fire Certificate of Occupancy Program to seek to Revoke the C of O based on behavioral problems but she is not hearing that that's what's going on in this case; they need to have substantiation of at least 3 incidences within a 1-month time period and need to have been documented in police reports
- she is just looking at the physical part of the building and its operation
- she appreciates hearing about the criminal information and what neighbors feel is going on there; she can get police reports
- squatting is usually talked about regarding houses in the Vacant Building Program

Mr. Neis:

- the activities of coming and going that they are being referred to is a concern that does apply to a Fire C of O Order (and there may or may not be a criminal element to it and is under investigation) is the fact that it was being run as an illegal boarding house, which is a Fire C of O issue; and the fact that Mr. Frye admitted that he didn't even know some of the people squatting in the house; and if Mr. Frye had as an invested interest as he claims to have had, he would have contacted the police about those people who had no right to be there
- his concern is that if this house is not immediately vacated, it will continue to be run as an illegal boarding house
- they found people sleeping without emergency escape windows; bedroom door locks, etc; concerned about the safety of these people

Mr. Frye:

- they have gotten the number down to 2 people; no one else will be moving in
- they aren't running a rooming house
- there is no prostitution going on nor is it a party house anymore
- he made the call to the city for help because the owner no longer cared about the place so, he stepped up and decided that things had to change; until then, he was just paying his rent and doing what he needed to do for himself
- once the inspector removed the people who shouldn't have been there, he changed the locks on the doors so other people couldn't get back in; only 2 people have keys to the house now



Mr. Kaluzny:

- it appears that Freddie Mac has just recently gotten into the process of taking it over; Scott Marshall, Home Realty, will be handling the transition of the property
- SMRLS is working to get Mr. Frye out of there; he sympathizes with these men and the neighborhood; any time someone lives in proximity to a place where there's been some nuisance or some crime in the past, it's a bad situation
- Inspector Neis and the police came and kicked out a bunch of squatters and was in a position to control it (Mr. Neis: he didn't contact the police to kick out the squatters but for his own personal safety because he had someone put their hands on him)
- this is not an uncommon situation when a property is in transition from an owner being in foreclosure and the bank taking it over; they assist these type of tenants and there are rights that a tenant has in these situations to control the property; they are usually paying the utilities and the garbage, etc.
- Mr. Frye is entitled to get his 30-day or 60-day notice from the mortgage company
- he thinks the problem has been taken care of; it's no longer a rooming house; there may be suspicious people driving by - a police issue
- he thinks that it would be appropriate for Inspector Neis to come back and re-inspect/verify
- the code 34.23 says that the unit/structure shall be vacated by the city until it has been made to conform to the law and he thinks it has been made to conform to the law

Mr. Neis:

- checked in the computer and there were no permits on file for the electrical work that was done; either the work was not done by a licensed electrician or it was not done to code
- they did try to enter the house again because of another complaint; however, when they went to respond to the complaint, Mr. Frye told Inspector Weise that we had no business to be there; so, it was not the case that he was willing to welcome us in at any time

Mr. Frye:

- had he been there, he would have let him in but he wasn't at the time
- he needs to know when they are coming so that he can invite them in

Ms. Moermond:

- here's the rub for her: we have Mr. Frye representing that this house is no longer being used as a rooming house and that the overcrowding is under control but he is not in a position to make that guarantee moving into the future; he is a tenant in this property; he is not a property manager or the property owner; so, next week, we could have all kinds of people move in; although Mr. Frye says that he is not going to let that happen, how can he guarantee that
- we also have to figure out if Mr. Frye is squatting
- we need to make sure these code violations are addressed and getting it into the Vacant Building Program; maybe it needs a full Code Compliance Inspection
- Mr. Kaluzny is following through with representatives from Freddie Mac and that's great and a realtor about Cash for Keys, definitely the way to go
- will LAY this OVER for 1 week; Mr. Neis will schedule an inspection for staff next week

**Laid Over to the Legislative Hearings due back on 7/15/2014**

45 [RLH SAO 14-23](#)

Appeal of Mike Huesmann to a Vehicle Abatement Order at 53 MARIA AVENUE, #1.

Sponsors: Lantry

Grant an extension until close of business on Friday, July 18, 2014 to get the flat tire(s) fixed on the Chevy Vega and for the trailer to be gone.

RE: 53 Maria Avenue #1 (Duplex)

Michael Huesmann, occupant, appeared.

Inspector Paula Seeley:

- complaint came into their office about a tow truck being parked on the street sometimes (she has told him before that a commercial vehicle cannot be parked in an R-4 residential district
- Inspector Hoffman and she went out Jun 9, 2014 and noted that the commercial tow truck was parked on the street; there was also a black Chevy Vega with expired tabs and flat tires; took photos
- Vehicle Abatement Order was issued
- went in the back and noted that there is no driveway to the backyard but a huge commercial trailer was parked back there, which she has also spoken with Mr. Huesmann about a couple years ago; he said that it was his brother's, who had passed away and his belongings were inside, so she let it go; she will not let it go this time
- at any rate, the trailer has to go and the tow truck can't be coming back and forth, creating noise and being parked in the street; it appears that he is running a towing business out of his garage in an R-4 residential zone; also doing alterations in the street; the police respond frequently
- Mr. Huesmann called her and told her that he didn't want to get rid of the trailer so, I told him to file an appeal; she asked Karen Zacho about it and she said, "Absolutely not."

Mr. Huesmann:

- some he agrees with and others he hopes to get help with
- he has had issues with the tow truck some time ago and realizes that it should not be on his property or in the neighborhood; it has not been on the property in quite some time; he agrees that it has to go for good
- the Chevy Vega is "for sale" and he had hoped that it would have sold before there was going to be any issue on licensing; he thought he had collector plates on it but it did not; now, it has current plates; the 2 front tires leak some air but the car runs and drives; it's parked on concrete and licensed; the Vega is a drag racing car
- the trailer is on an approved surface, millings, which is asphalt; is there a way he can turn it into a shed? He can take off the wheel; it's a platform; he'd like help with that
- when everyone is home at the property, there are a variety of vehicles there

Ms. Seeley:

- the trailer is a commercial trailer; it can't ever be there
- doesn't think the parking area was approved
- make sure that you're not running any auto repair or towing business at the property

Ms. Moermond:

- as soon as tires are down, it's an inoperable vehicle (Vega)
- no, the trailer can't be turned into a shed; it isn't allowable, on this property, to have that trailer stowed there; it's still a trailer, whether or not it's on stilts
- she doesn't think that the building official would issue a permit for putting a trailer onto stilts and call it a shed; doesn't think that would be an option; Mr. Huesmann needs to find some place to store it
- the trailer has to go by Fri, Jul 11, 2014
- the Vega's tires need to be fixed by Fri, Jul 11, 2014

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

46 [RLH SAO 14-22](#) Appeal of Therese Scherbel to a Summary Abatement Order at 2228 SIXTH STREET EAST.

**Sponsors:** Lantry

*Grant until July 18, 2014 to remove the garden stakes protruding from the fence and in alley right of way.*

*RE: 2228 Sixth Street East (Single Family)*

*Therese Scherbel, owner, appeared.*

*Inspector Paula Seeley:*

- complaint the office received Jun 17, 2014*
- Inspector Mashuga went out and found hills, compost, buckets along the alley; also metal stakes protruding from the fence outwardly toward the alley right-of-way, which is considered dangerous (kids could fall into them and get hurt)*
- photos*

*Ms. Scherbel:*

- can get rid of the buckets; she just left them out there*
- the fence is about 1 foot from the alley*
- main concern: the garden stakes are leaning on the fence and protrude toward the alley about 8-10 inches; thinks that they are still, technically, in her yard; they are not pointed; she doesn't think that anyone could hurt themselves on them; she wants them there to help support her okra stems; they also act as a warning system for drivers who are backing out of a driveway; doesn't believe that they are a danger; doesn't think that they are in the alley right-of-way*
- has photos*

*Ms. Moermond:*

- looking at the photos, the only piece that looks private to her is the driveway apron at the end of the alley*
- the alley itself is considered public right-of-way*
- those stakes protruding through the fence into the alley, in her view, presents a hazard, not only for property damage concerns but for a kid riding a bicycle down the alley*
- the stakes must be entirely within the fence*
- will recommend that the stakes be entirely within the fence by Fri, Jul 18, 2014*

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

47 [RLH VO 14-24](#) Appeal of William Harvey to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 740 TATUM STREET.

**Sponsors:** Stark

*Deny the appeal; the property will be transferred to the Vacant Building Program and the owner will need to obtain a code compliance inspection to make repairs on the house.*

*RE: 740 Tatum Street (Single Family)*

*William Harvey, owner, appeared.*

*Inspector Paula Seeley:*

- Jun 16, 2014, complaint came into the about about an inoperable car in the back yard full of garbage; house in bad shape; hole in roof; possibly abandoned
- Inspector Ed Smith went out and noted that the car was full of garbage, also inoperable; he went to all 3 entries of the house and saw debris stacked from the floor to the ceiling at all three; no access; so he Condemned it for unsanitary conditions and a fire hazard; roof in bad shape; he placarded the building; also broken windows and missing storms
- she spoke with Kay Witgenstein; she thinks they were going to get out a dumpster but she believes that Mr. Harvey doesn't have any family members to help him clean out the house

*Mr. Harvey:*

- he has no family members to help him
- he lived there until it was placarded; then, he went to a motel; now, he has rented an apartment across the street-signed a 1-year lease
- the dumpster is there already
- he knows a metal guy who will help haul some of the stuff away
- he wants to sort through some of it and throw a bunch away
- his age has slowed him down quite a bit; he's 75 and it will take him time to get rid of it
- he probably shouldn't even be here; he moved out on schedule
- he is hoping for patience in getting this taken care of
- he has been living that way for years; in this new place, it feels so good

*Ms. Moermond:*

- explained the process of a Condemned house; it won't be cleaned out and repaired in a short period; this will be a long term project
- and it won't be cheap
- the property will end up in the Vacant Building Program and to get out of the VB Program, the property will need a Code Compliance Inspection, where a team of 4 trade inspectors go through the building and create a deficiency list of items that must be repaired
- property will need to be completely cleaned out before the inspectors can come in
- the property can be sold, too, under certain circumstances through the Sale Review process; contact Reid Soley

*Mr. Harvey:*

- the car has current tabs and it will run
- he is hoping to trade it in and get something more reliable

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

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 48     [RLH TA 14-399](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 584 EDMUND AVENUE.

**Sponsors:**     Thao

*Delete the assessment. Photos taken at inspection were not photos of the property in question.*

Referred to the City Council due back on 8/20/2014

- 49 [RLH FCO 14-91](#) Appeal of Patricia Whitney, Twin Oak Management, LLC to a Correction Notice - Complaint Inspection at 584 EDMUND AVENUE.

**Sponsors:** Thao

*Grant an extension for 90 days to get the windows repaired as long as the building is not being occupied. (Not a Vacant Building)*

*RE: 584 Edmund Avenue (one of two residences on one parcel)*

*No one appeared.*

*Fire Inspector Leanna Shaff:*

- the former property manager had a disagreement with the tenants*
- not sure how it happened but the windows got all shot out and they just got the insurance money*
- in order to protect the investment, she condemned it, as wasn't habitable with the window shot out*
- the Certificate of Occupancy is not revoked on that building*
- they are ready to start work as soon as they are given the go-ahead*
- noted on the Correction Order (referral)*
- when the windows have been repaired, a full C of O inspection will be done*
- Order states deadline: Jul 31, 2014; they will need additional time*
- will recommend granting a 90 day extension to repair the windows*

Referred to the City Council due back on 8/20/2014

- 50 [RLH VO 14-27](#) Appeal of Patricia Whitney, Twin Oak Management, LLC to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 586 EDMUND AVENUE.

**Sponsors:** Thao

*Make this property a Vacant Building Category 1 and will waive the VB fee for 90 days.*

*RE: 586 Edmund Avenue (Duplex; one of two residences on one parcel)*

*No one appeared.*

*Fire Inspector Leanna Shaff:*

- the house at the front of the lot*
- the previous property manager has had some legal issues*
- the owners are moving to Switzerland at the end of this month*
- Twin Oak Management is the current property manager*
- the previous property manager put some tenants in the house who damaged the property extensively*
- 1st floor was Condemned for no electricity*
- 2nd floor was Condemned for over-crowding and sanitation issues, etc.*
- unfortunately, neither the new property manager nor the owner could get onto the property; Ms. Shaff, Inspector Neis and 3 Force officers had to go to the property*
- owners are requesting that it not be a Vacant Building, Category 2 because, the problems are due to the irresponsibility of the previous property manager*
- also asking that the VB fee be waived for 90 days in order for them to get their C of O back*

*Ms. Moermond:*

*- will recommend this property be a Category 1 VB and the fee will be waived for 90 days due to recommendation of inspector and past history of new manager repairing units to code.*

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

- 51 [RLH VO 14-22](#) Appeal of Fatima Gulitan to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 150 PAGE STREET WEST.

**Sponsors:** Thune

*Revocation lifted by Fire inspector.*

**Withdrawn**

- 52 [RLH VO 14-21](#) Appeal of Abdirashid Abukar to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 152 PAGE STREET WEST.

**Sponsors:** Thune

*Revocation lifted by Fire inspector.*

**Withdrawn**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 53 [RLH FCO 14-78](#) Appeal of John D. Lenzi to a Correction Notice-Complaint Inspection at 662 PAYNE AVENUE. (To be laid over to 9/9/14 Legislative Hearing and 9/17/14 City Council Public Hearing)

**Sponsors:** Lantry

*Deny the appeal and grant an extension until September 8, 2014 to make repairs or vacate the property. If an application for change of use is submitted to Planning Review, LHO can look at a longer deadline.*

*RE: 662 Payne Avenue (Medical Office/Clinic-B-Commercial)*

*John D. Lenzi, owner, appeared; Mr. Kaluzny, Attorney, Southern Minnesota Regional Legal Services (SMRLS) also appeared.*

*Fire Inspector A. J. Neis:*

*- Fire Certificate of Occupancy Correction Notice  
- complaint received by the office Apr 22, 2014; this is an owner-occupied commercial property; the property is not listed as commercial/residential; this is listed as a chiropractor's office  
- Inspector Sebastian Migdahl found that Mr. Lenzi is living in his commercial property; this property is not approved for residential occupancy at this time  
- Mr. Migdahl issued Orders on May 5, 2014 to do an inspection Jun 5, 2014  
- Orders resulting from the inspection were to discontinue the unapproved use as a residential use*

- Zoning could approve a conversion from commercial to residential type use
- appears to be a brick and mortar commercial building that was never intended to be used for residential purposes
- doesn't know why Mr. Lenzi living at the property unless there's no where else to stay
- he has given time for Mr. Lenzi to submit plans for the conversion from commercial to residential but apparently, the cost is very large assuming that Zoning would approve the conversion

Ms. Moermond:

- so, it's an unapproved use in terms of the building code and there are also Zoning issues (you can't treat this commercial property as a residential property without getting the zoning changes)

Mr. Neis:

- in addition, the inspector could also have Condemned the property under the illegal occupancy but didn't do so because it would have displaced the occupant much sooner (under Chapter 34.23)

Mr. Kaluzny:

- history: Dr. Lenzi is a chiropractor and he built this building and started his own practice in 1968
- about 5 years ago, he had to retire because of health issues and has lived there for the last 5 years after he closed his practice so there is no business there anymore
- once there is no longer a business in operation, he doesn't think that it still falls under the Certificate of Occupancy Program; it's not a rental situation; it's an ownership situation and not under the jurisdiction of a C of O once it became an owner occupied residence; there maybe a zoning issue
- since that time, Ramsey County has changed the tax designation and they have homesteaded this property as his home; they came out and did an inspection and were satisfied that no business was going there and it was his residence
- this is a question of economics for Mr. Lenzi; his only income is Social Security; no pension, MSA or disability
- this is the only place he has to live
- Mr. Lenzi is in very failing health right now; based on his income and his health, he would really like to stay there for the few years that he has left
- he thinks that the hearing officer has the authority to rule that there's no jurisdiction for a C of O because this hasn't been a business for 5 years; it's been a residence and is now homesteaded
- under the circumstances of this case and because of his poverty and failing health, he asks that this issue be dismissed because a C of O violation or could at least be grandfathered-in since he has been living there for the last 5 years with inspectors coming and going
- it seems like a very unfair resolved to require him to vacate
- Mr. Lenzi understands that there's a pretty heavy filing fee to try to do a variance and very costly to convert

Mr. Lenzi:

- his health is deteriorating, not improving so, under the circumstances, it would be best for him to stay within his confines and not need to endure any more changes in his life

Mr. Neis:

- this does fall under the realm of the Certificate of Occupancy Program; under Chapter 34.23.02 (inspector did not write this Order); however, would modify his Orders under an illegal occupancy; they did not do that because it would have

*immediately displaced Mr. Lenzi*

*- Chap. 34.23.02: An Illegal Occupancy: If any dwelling in its structure is occupied by more occupants than provided by this chapter or is erected, altered or occupied contrary to the law, the structure shall be deemed an unlawful structure and enforcement officers shall cause the unit or structure to be vacated.*

*- this building was constructed and erected as a business and has been converted into a residential home so, therefore, it is being occupied contrary to what the intended use was (when buildings are built, they are done so to a certain standard; i.e, residential homes are required to have things such as egress windows inside sleeping areas something a commercial business would not necessarily have)*

*- the inspector tried to give Mr. Lenzi time to convert this into a residential structure and get it approved for a legal use, if possible; if that can't be done, they the inspector would modify those Orders as an illegal occupancy and Condemning the building as unlawful*

*- grandfathering would not be applicable because the building was never intended to be used as a residential structure*

*- the last C of O inspection was conducted by Inspector Martin in 2011*

*- for the record: on Mr. Lenzi's behalf, he has had a wonderful track record with the city of maintaining his property; in 2002, Inspector Iverson indicated no code violations; in 2005, Inspector Chafling, again approved with no code violations; in 2008, Inspector Skow-Fiske, approved again with no code violations; she documented that Mr. Lenzi was in the process of trying to sell the property; 2011 by inspector Martin again, approved with a couple of very minor corrections*

*- if he was living there during those inspections, he didn't give the inspectors any indication that he had been doing so*

*- Mr. Lenzi has attempted to make the change but doing so is estimated to cost approximately \$22,000*

*- basically, this is an illegal occupancy*

*Mr. Kaluzny:*

*- issue he is still having trouble with: let's assume this was a rental property that had a C of O and it became owner-occupied; that scenario would take it outside the C of O process; so, he doesn't see how this is any different; he had a chiropractic business and now, he's turning this into his home; he doesn't think that Chap. 34 applies here*

*Ms. Moermond:*

*- thinks that it's written out under the state building code, not under Chap. 34*

*- when the county looks at it, they are not making a determination about zoning or about the building use; they're looking at whether they agree that you are using this as your own residence; different criteria*

*- the difference between owner-occupied residential to rental residential is (egress, etc. applies for both); when a building permit is applied for construction of a business, all the concerns particular to residential construction don't apply*

*Ms. Neis:*

*- if Mr. Lenzi were to do the conversion to make this building legal, it would be called out under the building code to make it a legal residential structure*

*Mr. Lenzi:*

*- insisting on this as a recommendation is a nightmare to be confronted but no real solution*

*Mr. Kaluzny:*

*- asked if Mr. Lenzi has worked with anyone to find some money (PED, District 5, etc.)*



*Ms. Moermond:*

- suggested that Mr. Lenzi talk more with people who could provide a grant/loan
- to her it sounds like Mr. Lenzi would easily meet the guidelines for Community Development Block Grant funds, as residential, not as a business
- suggested that Mr. Kaluzny looks into this more for Mr. Lenzi
- isn't clear on what's required right now, physically, to make this space acceptable as a residential; she does know that you have to be able to get out of your sleeping area; she does know that fire separations are required in some cases; she does know that you have to have the ability to bathe - have a full bathroom, etc.
- you had 1 month deadline; she is inclined to give more time
- will recommend a Sep 8, 2014 deadline; either vacate or correct
- City Council Public Hearing Aug 5, 2014

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

**54**     [RLH FCO 14-88](#)     Appeal of James Gilbert to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1127 RAYMOND AVENUE.

**Sponsors:**     Stark

*Grant an extension to August 31, 2014 to remove all the birds nesting throughout including the patio of Unit 6; complete roof repairs by October 1, 2014; and the remaining items must be finished by July 28, 2014. (Modifications made after hearing)*

*RE: 1127 Raymond Avenue (Apartments)*

*James N. Gilbert, owner, appeared.*

*Fire Inspector A. J. Neis:*

- Fire Certificate of Occupancy Correction Notice issued as a result of a referral that came into the office in Mar of this year for leaks getting into one of the units
- Correction Order issued on Mar 28, 2014 to get roof leak fixed for Unit 6 and to provide access to the entire building on Apr 18, 2014
- Inspector identified several code violations and issued Orders May 19; re-inspection Jun 20 to make required repairs
- May 27, 2014, property owner called inspectors to say that bird were nesting and it was illegal for him to get rid of them; the inspector told him to file an appeal
- Jun 23, Orders were re-issued for an inspection Jul 28, 2014 for code violations to be corrected
- there are holes in the roof; roof leaks; may be pigeons in the roof; owner does not want to get rid of the pigeons until their nesting is done

*Mr. Gilbert:*

- he said he would get rid of the pigeons right away if the City Attorney would sign the paper; he had gone down to the DNR and asked them about it; they said he could go ahead and get rid of them but he might be looking at a \$5,000 fine; they said he could remove them in late Jul - early Aug; he has a copy of the law
- apartment #6 was leaking badly in the living room; the sky dome is about 52 years old
- he explained his photos
- these walls are 1 foot thick; there's no lumber; it's all brick, block and precast
- the floor is concrete; tile is 3/8 inch thick
- there's a lot of work he has to do; will need to put up scaffolding
- he can get it done before winter (he has other work to do)
- he just needs time; he does all the work himself; he's a brick-layer by trade and was

- a small contractor*
- all the life-safety issues have been taken care of*
- the fire extinguishers have all been re-built*
- items have been removed from blocking egress in #2*
- carpet in #3 has been cleaned*
- the inspector went through all the units*

*Ms. Moermond:*

- will give Mr. Gilbert until Aug 31, 2014 to get the birds out*
- remove all items from around the furnaces by Jul 28*
- standing water in the basement will need to have been addressed by Jul 28*
- remove combustible materials in #3 by Jul 28*
- Aug 31, 2014 deadline for everything else except for those 2 soffits (Sep, Oct)*
- no re-inspection fees for 2 of them*
- the Jul 28 re-inspection for life safety issues too*

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

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 55     [RLH VBR 14-52](#)     Appeal of Dawn Hager and Tamara Hart to a Vacant Building Registration Notice at 1814 CLEAR AVENUE.

**Sponsors:**     Bostrom

*Waive Vacant Building fee for 4 months.*

*RE: 1814 Clear Avenue (Single Family)*

*Dawn Hager and Tamara Hart appeared.*

*Inspector Matt Dornfeld:*

- June 12, 2014, SSPD issued a WOrk Order to secure 2 openings at approximately 12 p.m.*
- June 13, 2014, DSI received a tall grass/weeds complaint*
- June 17, 2014, Inspector Dave Nelmark issued a Work Order to cut the grass; noted that dwelling was vacant and documented some minor code violations: roof shingles, chipping paint and some rotting wood window frames*
- Mr. Nelmark opened a Category 1 Vacant Building and made note that the house had a winterization sign on the door since 2011*
- Jun 19, 2014, SSPD were called back and ordered a door to be secured at approximately 3 p.m.*
- he has not been inside*
- Mr. Singerhouse said that it appeared to be in pretty good shape*

*Ms. Hager and Ms. Hart:*

- they are blind to all of this*
- this was their father's house and they have had no contact with him for 18 years in one case and 30 years in the other*
- they found their father dead in his home on Jun 12 and they have no death certificate yet*
- nothing was organized*
- they know that he bought the house in Dec 2011; it was foreclosed*

- they were over there last week to cut the grass and it will be taken care of

Mr. Dornfeld:

- has no problem holding this VB fee for 120 days while they work this out and then, they will go out and take a look

Ms. Moermond:

- will recommend this VB fee will be waived for 4 months to give Ms. Hager and Ms. Hart time to figure out their plan of action

Ms. Hager and Ms. Hart:

- it will need to be probated  
- will need to be cleaned  
- their father paid cash for the house; no mortgage  
- they believe that he may not have had homeowners insurance  
- a neighbor is going to watch over the house

Ms. Moermond:

- will take this up again in 3 months to see how things are going

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

- 56     [RLH VBR 14-50](#)     Appeal of Amanda Danielson to a Vacant Building Registration Notice at 1256 HARTFORD AVENUE.

Sponsors:     Tolbert

*Deny the appeal. Appellant missed hearings twice and will not be rescheduled.*

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

## Staff Reports