



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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

Tuesday, December 16, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 14-690](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 869 ALBEMARLE STREET.

Sponsors: Thao

No show; approve.

Referred to the City Council due back on 2/4/2015

- 2 [RLH TA 14-697](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 327 ANNAPOLIS STREET WEST.

Sponsors: Thune

No show; approve.

Referred to the City Council due back on 2/4/2015

- 3 [RLH TA 14-686](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 98 BATES AVENUE.

Sponsors: Lantry

Joe Osterbauer, Osterbauer LLC, owner, appeared.

Inspector Paula Seeley:
 - tall grass and weeds Order mailed Jul 24; compliance Jul 29; re-checked Jul 29
 - WO sent
 - Parks crew went out; the work had been done; generated a trip chg of \$120 + \$35 = \$155
 - there's a forthcoming PAEC for WO on removing mattress for \$155
 - sent to: Osterbauer LLC, 404 3rd Ave N, Mpls; and Ralph and Laura Sawyer, 98 Bates Ave, St. Paul
 - Remove mattress from front porch; cut tall grass and weeds and rank plant growth

Ms. Moermond:

- work wasn't done by the deadline but it was done by the time the crew showed up

Mr. Osterbauer:

- I got a Notice that the grass needed to be cut; he called the tenants to do it but they didn't so, his guys went over and cut it Jul 28; they were there until 9 pm mowing the grass

- right after that, he got an Excessive Consumption bill for \$120, which he didn't like (he didn't do anything wrong) but he wrote a check for \$120 and he sent it in; now, he's getting another EC fee for \$155 and he doesn't understand why because he mowed the grass and he paid the \$120 that he didn't think he needed to pay

Ms. Moermond:

- wants to confirm what Mr. Osterbauer is saying

Mr. Osterbauer:

- he has a receipt dated Aug 9, 2014

Ms. Moermond:

- she believes Mr. Osterbauer

- will recommend this assessment be deleted

Delete the assessment.

Referred to the City Council due back on 2/4/2015

4 [RLH TA 14-657](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504A, Assessment No. 158503 at 1043 BEECH STREET.

Sponsors: Lantry

Inspector Paula Seeley:

- Summary Abatement Order mailed Sep 3, 2014; compliance Sep 8; re-checked Sep 9

- failure to maintain exterior property

- city crew cleaned-up Sep 10, 2014 for a cost of \$316 + \$160 service charge = \$476

- sent to: Diane Martin, 1043 Beech St; and Occ

- carpeting, padding, broken TV sets, scrap wood near garage

- photos

Ms. Moermond:

- it looks as though someone came to help but they didn't actually get this work done

- 2 things are needed: 1) a chore service; and 2) an application for a disability deferment

Ms. Mai Vang:

- she talked to the owner, who said that once she gets her hip replacement, she wouldn't qualify for a disability deferment

Ms. Moermond:

- will recommend approval spread over 3 years

- Appealed by letter; approve the assessment and spread payments over 3 years

Referred to the City Council due back on 2/4/2015

5 [RLH TA 14-683](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1504, Assessment No. 158203 at 1106 BREEN

STREET.

Approve (appeal by email sent to Supervisor Leanna Shaff). Property owner did not show.

Leanna Shaff: Fire C of O on a single family dwelling for cost of \$170, service charge of \$155. Total assessment is \$325.

Gold card was returned by PO, Mark Underdahl. He was approved with corrections on his first inspection; heating report July 10, 2014

-billing dates are 7/14/14 and 8/13/14

-no returned mail

-all mail sent to Mark Underdahl at the Stacy address

-PO wrote an email, couldn't attend due to dr appt

-PO stated he is 100% disabled Vietnam veteran with agent orange

-trouble with his health as well as his 2 daughters, who have MS; wife just finished breast cancer treatment

-wants the admin fee deleted due to financial burden

Ms. Moermond: questioned if payment for C of O; so, presumably this is not PO's address but one that he rents, which is an investment property.

Ms. Shaff: Correct.

Ms. Moermond:

-so PO wasn't able to pay the bill on time.

-wants the admin fee reduced due to illness

-have Ms. Vang send PO an email to give option of deferment loan thru assessment office.

-Approve the assessment.

Referred to the City Council due back on 2/4/2015

- 6** [RLH TA 14-700](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 888 CONCORDIA AVENUE.

Sponsors: Thao

No show; approve.

Referred to the City Council due back on 2/4/2015

- 7** [RLH TA 14-706](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 933 FIFTH STREET EAST.

Sponsors: Lantry

No show; approve.

Referred to the City Council due back on 2/4/2015

- 8** [RLH TA 14-682](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 2218 FIFTH STREET EAST.

Sponsors: Lantry

Tong Vue, owner, appeared. (Mai Vang interprets.)

Inspector Paula Seeley:

- Summary Abatement PAEC fee for failure to maintain exterior property
- Orders sent Jul 28; compliance Aug 4; re-checked Aug 5; WO sent
- crew went out; work had been done by owner
- charge: \$120 + \$35 service charge = \$155
- sent to Tong Vue/Kai Yang, 2218 5th St E; and Occupant
- in bold letters on SA: Junk/debris all yard and driveway areas

Ms. Vue:

- is not sure why she is here; she did the work so why is she being charged for anything?

Ms. Moermond:

- you did the work but you didn't do it on time

Ms. Vue:

- it's hard for her to do it but she did it
- looking for a reduction because she did the work

Ms. Moermond:

- why wasn't it done by the deadline?

Ms. Mai Vang explained to Ms. Vue why there was a charge

Ms. Moermond:

- will reduce the assessment by half if there are no further violations
- If no future complaint(s) by February 4, 2015, will reduce the assessment from \$155.00 to \$77.00.

Referred to the City Council due back on 2/4/2015

9 [RLH TA 14-708](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1504, Assessment No. 158203 at 2162 FOURTH STREET EAST.

Sponsors: Lantry

Emmett Booker, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection fee
- cost \$255 + \$155 service charge = \$410
- appointment letters sent: Apr 3 and Apr 25, 2014
- deficiency orders: May 21, Jun 24 and Jul 18, 2014
- complied with deficiencies: Aug 4, 2014
- billing dates: Aug 6 and Sep 5, 2014
- referral due date for last deficiency: Sep 4; complied Oct 23, 2014
- sent to: Emmett and Pamela Booker, 107 Milton St N, St. Paul
- no returned mail

Mr. Booker:

- doesn't understand why the city added the \$155
- why did the status change?

- things took a while because he was evicting someone and he couldn't get in
- then, it took a while to clean the place

Ms. Moermond:

- nothing says that you, the owner, can't go into your house and do the repairs
- you have keys and the ability to get a locksmith; it's your property and all you need to supply is a 1-day notice

Mr. Booker:

- he does not want to come in and work on top of garbage; he had to clean the whole house out before he could work
- he did not see the bill

Ms. Moermond:

- will recommend approval of this assessment
 - it took quite a number of visits to gain compliance
 - you didn't pay either of the bills that were sent
 - it doesn't need to go onto your taxes; you can pay it ahead of time
 - welcome to go to the City Council Public Hearing on Feb 4, 2015
- Approve the assessment.

Referred to the City Council due back on 2/4/2015

10 [RLH TA 14-702](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 183 GENESEE STREET.

Sponsors: Brendmoen

Property owner missed hearing; rescheduled to January 6, 2015 per his request.

Laid Over to the Legislative Hearings due back on 1/6/2015

11 [RLH TA 14-689](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1504, Assessment No. 158203 at 722 GERANIUM AVENUE EAST.

Sponsors: Bostrom

Darrell Lewis, D.E. Lewis Properties, owner, appeared.

Fire Inspector Leanna Shaff:

- Certificate of Occupancy Inspection fee: \$300 + \$155 service charge = \$455
- inspections made: Jun 16 and Jul 28, 2014
- billing dates: Jul 30 and Aug 29, 2014
- first letter sent to Darrell Lewis, PO Box 165, Sauk Center MN
- second letter sent to Buy Rite Companies LLC, 2515 White Bear Ave N, Ste 121, St. Paul MN
- third letter sent to Mr. Lewis in Sauk Center

Mr. Lewis:

- is appealing the service charge because his address has changed: his property in Sauk Center is now in St. Paul; he didn't get that letter
- the other letter went to the previous owner, Buy Rite (Allen Peterson)
- he is now the owner; bought on lease with option
- he recently changed his business address from Sauk Center to St. Paul

Ms. Shaff:

- the bill went to Mr. Lewis in Sauk Center
- she updated the address for the next upcoming C of O on Aug 19, 2014
- the owner on the tax records at Ramsey County is Buy Rite, owner; Mr. Lewis as Responsible Party
- the second billing would still have not gone to the updated address

Mr. Lewis:

- bills went to Sauk Center; he goes up there about once a month
- they were updating addresses (Aug 19) from Sauk Center to St. Paul (he didn't receive any at the St. Paul address); he did have his mail forwarded
- he did not receive the bill

Ms. Moermond:

- will recommend that the service charge be split in half from \$155 to \$75
- Reduce assessment from \$455.00 to \$380.00 (reduce service charge by half).

Referred to the City Council due back on 2/4/2015

12 [RLH TA 14-696](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 865 GERANIUM AVENUE EAST.

Sponsors: Bostrom

No show; approve.

Referred to the City Council due back on 2/4/2015

13 [RLH TA 14-709](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 1388 GROTTO STREET NORTH.

Sponsors: Brendmoen

No show; approve.

Referred to the City Council due back on 2/4/2015

14 [RLH TA 14-691](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 636 HALL AVENUE.

Sponsors: Thune

Anara Leighton (Philip Shill), owner, appeared.

Inspector Paula Seeley:

- Excessive Consumption fee of \$120 + \$35 service charge = \$155
- tall grass and weeds letter sent Jul 16; compliance Jul 20; re-checked Jul 22
- Parks crew went out Jul 24; work had already been done; generated EC chg
- sent to: Philip Shill, 636 Hall Ave; and Occ
- no returned mail

Ms. Moermond:

- you were given 5 days to clean up your overgrown yard

- you did it between Jul 22 and Jul 24

Ms. Leighton:

- usually a letter from the city is mailed on Tue or Wed and I get it on a Fri but I got this letter on a Mon and it said that they were re-inspecting "today"

- it was too late, the inspector had already swung by

- she can't do the front lawn; it's on a hill and she just can't do it; she usually gets a neighbor to do it for "free" but if they are not home for a while, it just doesn't get cut for a while

Ms. Moermond:

- you need to get a chore service or someone engaged to do it because this way is not cheap

Ms. Leighton:

- she'd get a chore service if she could afford it; she gets \$800 on disability

Ms. Moermond:

- you are a candidate for disability insurance on the assessment; look into that

- she is seeing a very, very overgrown front yard; the Orders were legitimate

- will recommend approval divided over 3 years

- you have the option of getting disability paperwork filled out (Real Estate Office, City Hall Annex 10th floor)

Approve and spread over 3 years.

Referred to the City Council due back on 2/4/2015

- 15 [RLH TA 14-681](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 600 HAWTHORNE AVENUE EAST.

Sponsors: Bostrom

No show; approve.

Referred to the City Council due back on 2/4/2015

- 16 [RLH TA 14-674](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 1136 HUBBARD AVENUE.

Sponsors: Stark

Delete the assessment as a result of date entry errors. No EC fee is due to the City.

Referred to the City Council due back on 2/4/2015

- 17 [RLH TA 14-684](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 146 IVY AVENUE WEST/1315 RICE STREET.

Sponsors: Brendmoen

Ed Reyes, managing partner, appeared.

Inspector Paula Seeley:

- this is an Excessive Consumption charge
- Summary Abatement Order sent Jul 17, 2014; compliance date Jul 24; re-checked Jul 28
- Work Order sent; Parks crew went out and found that the work had been done by owner, which generated a charge of \$120 + \$35 service charge - \$155
- sent to Ivy Rice LLC, 3730 Drexel Ct, Eagan, MN
- returned mail 8/4/14 says: temporarily away; however the Summary Abatement was not returned; only the Excessive Consumption bill was returned
- there's a long history of Work Orders
- another Work Order was sent Oct 14, which generated a forthcoming EC

Mr. Reyes:

- was confused about a letter he received in Oct (which was for another assessment)

Ms. Moermond:

- will recommend reducing the service charge by half
- Reduce from \$155 to \$138 (reduce service charge by half).

Referred to the City Council due back on 2/4/2015

- 18 [RLH TA 14-699](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 908 JEFFERSON AVENUE.

Sponsors: Thune

No show; approve.

Referred to the City Council due back on 2/4/2015

- 19 [RLH TA 14-680](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 973 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

David Theobald, owner, appeared.

Inspector Paula Seeley:

- PAEC for failure to maintain exterior property sent Aug 6, 2014; compliance Aug 11; re-checked Aug 11
- Work Order sent; crew went out for a cost of \$120 + \$35 service charge = \$155
- sent to: David Theobald, 1091 Lawson Ave E, St. Paul; Occupant
- no returned mail
- history: Feb 2014 - refuse order
- in bold letters: Remove overflowing trash container, bagged and loose garbage on the ground, brush pile, tires and cardboard boxes from driveway

Ms. Moermond:

- photos not showing tires but seeing brush pile and torn up bag of garbage; containers were empty

Mr. Theobald:

- appealing because the work was complete

Ms. Moermond:

- this fee is connected to the crew having to go out there because you were not done by the deadline; paying for the trip

Mr. Theobald:

- there was actually brush clearing going on at the time; 6-8 trees were being cleared, which takes time

- the property is being maintained; he is 5 blocks away - an active landlord

- the brush was not trash - not hazardous; the messing things had been cleaned

- since then, he's probably made 25 trips to the brush site cleaning this up for this specific property

Ms. Moermond:

- you did a little of what was needed; not all of it

- will recommend reducing the assessment from \$155 to \$100.

Referred to the City Council due back on 2/4/2015

- 20 [RLH TA 14-659](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504A, Assessment No. 158503 at 787 JOHNSON PARKWAY.

Sponsors: Bostrom

Owner missed hearings twice; denied continuance. Approve the assessment.

Referred to the City Council due back on 2/4/2015

- 21 [RLH TA 14-704](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504A, Assessment No. 158503 at 605 LAFOND AVENUE.

Sponsors: Thao

No show; approve.

Referred to the City Council due back on 2/4/2015

- 22 [RLH TA 14-705](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 605 LAFOND AVENUE.

Sponsors: Thao

No show; approve.

Referred to the City Council due back on 2/4/2015

- 23 [RLH TA 14-693](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 1152 LANE PLACE.

Sponsors: Bostrom

Only one EC letter with invoice was sent to the PO due to a glitch in the Amanda system; therefore, DSI recommends reducing the assessment from a total of \$275 to a total of \$155.00 (delete the assessment for Inv#1119050 as it was never mailed to property owner). No one attended the hearing.

Referred to the City Council due back on 2/4/2015

- 24 [RLH TA 14-675](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 195 LEXINGTON PARKWAY NORTH.

Sponsors: Thao

Delete assessment due to error. (No hearing necessary)

Referred to the City Council due back on 2/4/2015

- 25 [RLH TA 14-703](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 2013 LINCOLN AVENUE.

Sponsors: Stark

Delete the assessment.

Camille Blake Traylor, owner, appeared.

Inspector Paula Seeley:

- Correction Notice sent for failure to replace deteriorated roof and fascia on accessory structure (garage)
- Orders sent May 14, 2014; compliance Jun 14; re-checked Aug 1 - not done
- Excessive Consumption was sent
- sent to Blake Traylor, 2013 Lincoln Ave
- 2 more EC's were went; then a Summary Abatement was sent Dec 4, 2014 to demolish the garage
- history: SA May 14, 2014 = vehicle abatement: expired tabs, inoperable
- cost: \$120 + \$35 = \$155

Ms. Traylor:

- she received the Order for several issues
- she got tabs and towed it the next day (vehicle)
- May 16, she took brush to compost site; a week later, she took tires to neighborhood clean-up day
- has been in communication with Inspector Smith about this and told him about what her challenges have been this year; he understood and was very workable
- re Aug 1: asked that it be removed; she has 2 voice mails and an Email related to a conversation she had with Inspector Smith about the fact that her father had just died and she spent a year helping him with end of life in LA and he just died; now, she's been helping her own chronic illness which has been worsening and loss of employment; he understood all those things and was very generous; on Aug 1, Mr. Smith's voice mail admitted that he had forgotten that he was going to come in the middle of Aug; he was going to give her some time to get a bid from a contractor; she met with the contractor in Jun and he promised to give her a bid but he never did; in the meantime, her father died and she was gone; she ended up being hospitalized in early Aug, 2014 and got back; has a voice mail from Mr. Smith where they both that there had been a miscue; he gave her extra time to get the bid in and she did get it in Aug 28 or 29 via Email
- she would like that EC to be removed
- she has no income right now
- she is in the process of being diagnosed for a genetic disorder which would explain the last year and a half; she lost her job at Landmark Center; in 2013, her boss

watched her deteriorate; she couldn't even lift light objects
 - she has been in her home for 26 years
 - she is optimistic with the new information and a potential visit to Mayo that she will start to improve to the point where she can be re-employed and can start taking care of the garage issue (either repair or demolish)
 - just needs time to back on her feet financially and physically
 - the garage contains gardening supplies, tools; and children's art work and papers

Ms. Moermond:

- because the city has issued a formal Order for Removal, you must remove it or the city will and charge you for it; (before you were issued a "would you please take care of this" Order); if the city removes it, and if there's no asbestos involved, it will probably cost about \$3,000 and the permit \$50
 - that assessment could be spread over a period of 5 years
 - if the house needs to be sold, that assessment would need to be handled at closing

Ms. Traylor:

- she will need time to remove the garage's contents and her muscles don't work

Ms. Moermond:

- the garage is in a nuisance condition; it either needs to be fixed or torn down; it looks as though fixing it will be too expensive and the city can't fix it for you, which leaves only demolition
 - is comfortable DELETING the Excessive Consumption; trusts that the voice mail is there
 - in terms of the Order to get the garage taken care of, you need to handle the contents during this winter (maybe your kids can help with that or someone else); you may want to buy a shed on Craig's list to handle the gardening things or stored somewhere or sold
 - will recommend granting until Apr 15, 2015 to take care of all of that, at which point, the city will need to go in and remove the building

Referred to the City Council due back on 2/4/2015

26 [RLH SAO 14-48](#) Appeal of Camille "Blake" Traylor to a Summary Abatement Order at 2013 LINCOLN AVENUE

Sponsors: Stark

Grant until April 15, 2015 for the garage issue to come into compliance.

Camille Blake Traylor, owner, appeared.

Inspector Paula Seeley:

- Correction Notice sent for failure to replace deteriorated roof and fascia on accessory structure (garage)
 - Orders sent May 14, 2014; compliance Jun 14; re-checked Aug 1 - not done
 - Excessive Consumption was sent
 - sent to Blake Traylor, 2013 Lincoln Ave
 - 2 more EC's were went; then a Summary Abatement was sent Dec 4, 2014 to demolish the garage
 - history: SA May 14, 2014 = vehicle abatement: expired tabs, inoperable
 - cost: \$120 + \$35 = \$155

Ms. Traylor:

- she received the Order for several issues
 - she got tabs and towed it the next day (vehicle)

- May 16, she took brush to compost site; a week later, she took tires to neighborhood clean-up day
- has been in communication with Inspector Smith about this and told him about what her challenges have been this year; he understood and was very workable
- re Aug 1: asked that it be removed; she has 2 voice mails and an Email related to a conversation she had with Inspector Smith about the fact that her father had just died and she spent a year helping him with end of life in LA and he just died; now, she's been helping her own chronic illness which has been worsening and loss of employment; he understood all those things and was very generous; on Aug 1, Mr. Smith's voice mail admitted that he had forgotten that he was going to come in the middle of Aug; he was going to give her some time to get a bid from a contractor; she met with the contractor in Jun and he promised to give her a bid but he never did; in the meantime, her father died and she was gone; she ended up being hospitalized in early Aug, 2014 and got back; has a voice mail from Mr. Smith where they both that there had been a miscue; he gave her extra time to get the bid in and she did get it in Aug 28 or 29 via Email
- she would like that EC to be removed
- she has no income right now
- she is in the process of being diagnosed for a genetic disorder which would explain the last year and a half; she lost her job at Landmark Center; in 2013, her boss watched her deteriorate; she couldn't even lift light objects
- she has been in her home for 26 years
- she is optimistic with the new information and a potential visit to Mayo that she will start to improve to the point where she can be re-employed and can start taking care of the garage issue (either repair or demolish)
- just needs time to back on her feet financially and physically
- the garage contains gardening supplies, tools; and children's art work and papers

Ms. Moermond:

- because the city has issued a formal Order for Removal, you must remove it or the city will and charge you for it; (before you were issued a "would you please take care of this" Order); if the city removes it, and if there's no asbestos involved, it will probably cost about \$3,000 and the permit \$50
- that assessment could be spread over a period of 5 years
- if the house needs to be sold, that assessment would need to be handled at closing

Ms. Traylor:

- she will need time to remove the garage's contents and her muscles don't work

Ms. Moermond:

- the garage is in a nuisance condition; it either needs to be fixed or torn down; it looks as though fixing it will be too expensive and the city can't fix it for you, which leaves only demolition
- is comfortable DELETING the Excessive Consumption; trusts that the voice mail is there
- in terms of the Order to get the garage taken care of, you need to handle the contents during this winter (maybe your kids can help with that or someone else); you may want to buy a shed on Craig's list to handle the gardening things or stored somewhere or sold
- will recommend granting until Apr 15, 2015 to take care of all of that, at which point, the city will need to go in and remove the building

Referred to the City Council due back on 1/7/2015

AVENUE EAST.

Sponsors: Bostrom

Vlada Gazalabova, BLM Management Group, appeared.

Inspector Paula Seeley:

- Excessive Consumption fee of \$120 + \$35 service chg = \$155
- failure to maintain exterior property
- Summary Abatement Order sent Aug 20, 2014; compliance date Aug 24; re-checked Aug 26
- Work Order was sent to Parks
- Parks crew went out there which generated a \$155 trip charge; the work had been completed by owner
- photos dated Aug 26

Ms. Moermond:

- you aren't paying for a clean-up; you are paying for them showing up because it wasn't done by the deadline; when it's not done by the deadline, the inspector issues a Work Order; and if the crew goes out and the work had been already done, it's an unnecessary trip, so you are charged

Ms. Gazalabova:

- so, had we received the SA in a timely manner, this would not have been the case; so she is asking to have half of the fee removed

Ms. Seeley:

- she usually gives 4 days on trash; this is 6 days

Ms. Moermond:

- it looks the Notice was mailed to BLM but the Post Office returned it (the address said East but the zip code is 55102); the Notice mailed to Mr. Glushko was not returned
 - so, you did not receive Notice although it was addressed to you, it was returned
 - will recommend reducing this assessment from \$155 to \$95
- Reduce assessment from \$155 to \$95.

Referred to the City Council due back on 2/4/2015

28 [RLH TA 14-676](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504A, Assessment No. 158503 at 118 MANITOBA AVENUE.

Sponsors: Thao

J. Vang appeared.

Inspector Paula Seeley:

- tall grass/weeds
- Summary Abatement Order sent Sep 15, 2014; compliance Sep 19; re-checked Sep 19
- work done Sep 22 for a cost of \$160 + \$160 service charge = \$320
- sent to: Wilson Vang, 711 Elwood Dr, Mpls; J. Eagle Vang, 12800 Industrial Park Blvd, Ste 140, Plymouth, MN; and Occupant
- no returned mail
- no photos

Mr. Vang:

- the city crew showed up the day before he got there
- the tenant had cut the grass but they moved out the end of Aug

Ms. Moermond:

- the grass was ordered to be cut and it wasn't
- it's a legitimate assessment
- will recommend approval

Referred to the City Council due back on 2/4/2015

29 [RLH TA 14-677](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501V, Assessment No. 148000 at 118 MANITOBA AVENUE.

Sponsors: Thao

J. Vang appeared.

Inspector Paula Seeley:

- Vehicle Abatement Order (Black Honda-no current tabs, open to entry, missing parts, inoperable)
- sent May 2, 2014; compliance May 5; re-checked May 7
- towed May 13 for a cost of \$970 + \$160 service charge = \$1130
- sent to Wilson Vang 711 Elwood Dr, Mpls MN; J. Eagle Vang, 12800 Industrial Park Blvd Ste 140, Plymouth MN; and Occupant

Mr. Vang:

- he did not get a letter on this one
- house was owned by his cousin and was going into foreclosure, so he took over Oct 1, 2013
- the garage was full of junk - previous tenant didn't care about the house anymore, he put car parts in the attic, basement, etc; he spent over \$1,000 just to clean things up; he saw the city cut the grass
- things around the house has been cleaned up
- he thought the tenant had taken the car

Ms. Moermond:

- the car was ordered to be removed and 11 days after the Order, the vehicle was towed away

Ms. Seeley:

- we did have returned mail
- it says that the Summary Abatement and Vehicle Abatement dated May 2, 2014 were returned by USPS

Ms. Moermond:

- the city met its obligation by sending it to the address of record
 - based on that returned mail, she will reduce the assessment to \$250
- Reduce assessment from \$1130.00 to \$250.00.

Referred to the City Council due back on 1/21/2015

30 [RLH TA 14-678](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 118 MANITOBA AVENUE.

Sponsors: Thao

J. Eagle Vang appeared.

Inspector Paula Seeley:

- *Summary Abatement Order issued Jul 22, 2014; compliance Jul 28; re-checked Aug 7*
- *work done Aug 11 for a cost of \$366 + \$160 service charge = \$526*
- *sent to: Wilson Vang, 711 Elwood Dr, Mpls*
- *no returned mail*
- *clean-up of garbage and rubbish*
- *photo*

VIDEO - crew picked up materials strewn near garage

Mr. Vang:

- *I had my crew clean that up; but the city cleaned up something too*
- *I don't have a letter on this one either*
- *he saw that the city did it, so it's fine*
- *Wilson Vang owns the property; will do a Quit Claim Deed (have scheduled 3 times but he is in Oklahoma); J Vang has paid everything since 2013*

Ms. Moermond:

- *the work was done and this is a valid assessment*
- *Notice was given to the owner of record*
- *will recommend approval of this assessment*

Referred to the City Council due back on 1/21/2015

31 [RLH TA 14-679](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 118 MANITOBA AVENUE (SAME PIN NUMBER AS 120 MANITOBA AVENUE).

Sponsors: Thao

STAFF REPORT: Recommendation is forthcoming.

Ms. Moermond: Orders from July 22, city reinspected the 29th, and the work was done

Paula Seeley: this should be multiple EC; this one is screwy.

Ms. Moermond: I am going ahead and have a conversation on what the assessment is for before making a recommendation. Will email.

J. Vang appeared.

Ms. Moermond:

- *Excessive Consumption fee*
- *Orders sent Jul 22, 2014; compliance Jul 28; re-checked Jul 29*

Inspector Paula Seeley:

- *something's wrong here; I can't figure it out*

Mai Vang:

- *I have the EC here; Inspector Yannarely took the file*

Ms. Moermond:

- I need to have a conversation about what exactly this fee is for
- we can Email you on this one

Laid Over to the Legislative Hearings due back on 1/6/2015

32 [RLH TA 14-662](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504A, Assessment No. 158503 at 283 MARYLAND AVENUE WEST.

Sponsors: Brendmoen

Darrell Lewis, D.E. Lewis Properties, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order sent Aug 22, 2014; compliance Aug 28; re-checked Aug 28
- failure to cut back bushes obstructing public sidewalk
- work done Sep 2 for a cost of \$316 + \$160 service charge = \$476
- sent to: Buy Rite Companies LLC, 2515 White Bear Ave N, Ste 121, St. Paul; and Occupant
- no returned mail

Mr. Lewis:

- when he got the Order, he read it as a "clean-up"
- the crew explained to him that it was about cutting back the bushes over the public sidewalk

Ms. Moermond:

- will recommend approval of the assessment
- Approve the assessment.

Referred to the City Council due back on 2/4/2015

33 [RLH TA 14-698](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 455 MARYLAND AVENUE WEST.

Sponsors: Brendmoen

Delete assessment due to EC not generating properly, system error. (No hearing necessary)

Referred to the City Council due back on 2/4/2015

34 [RLH TA 14-707](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1504, Assessment No. 158203 at 325 MICHIGAN STREET.

Sponsors: Thune

Craig Osborne, Osborne Properties & Serv LLC, owner, appeared.

Fire Inspector Leanna Shaff:

- Certificate of Occupancy inspection fee: \$200 + \$155 service charge = \$355
- appointment letters: 3/26/14, 4/14/14, 5/8/14 and 6/2/14
- deficiency Orders: 6/12/14; compliance 8/1/14

- *billing dates: 8/6 and 9/5/14*
- *no returned mail*
- *all sent to: Osborne Properties & Serv LLC, 333 Michigan St, St. Paul*
- *owner requested a re-schedule on 4/14; however, he did not show on 5/8*
- *owner showed on 6/2 but tenant did not allow access because they were not given Notice*
- *2 no entry fees have already been deleted*
- *an extended compliance date was given because a tank needed to be removed*

Mr. Osborne:

- *when he got the first Notice, he wanted to talk to the inspector first but after leaving a couple messages and not being able to contact him, the day of the appointment he gave him a handwritten note to please re-schedule his appointment; that happened for another month and during that period of time, he tried to get a hold of the inspector again but to no avail; the day of the appointment, he wrote a letter saying cancel my appointment because he wanted to talk with him about it; the 3rd time, he thought that it's worth \$85 just for him to talk to the inspector; so, he explained to him why he had to postpone the previous 2 appointments; he had even tried to contact the supervisor; he said, "It must have gotten lost on my desk; I'll go ahead and waive these " 3 no shows" and he scheduled another appointment*

Ms. Moermond:

- *looks like you're only getting charged for only 1 of those - the one where there's no access granted (the only visit a charge is associated with); however, that "no show charge" cannot be assessed so, it has disappeared; now, we are down to just the cost of the C of O inspection and the service charge for not having paid the bill on time*

Mr. Osborne:

- *continued: inspector goes thru the house and pointed out 3 things that he wanted taken care of*
- *Aug 2 or 3, he was due for the final inspection; tenant was home and said that she thought she heard someone at the front door but by the time she got there, no one was there; so, he waited some more for the final inspection*
- *Aug or Sep, he got a couple bills in the mail and he wondered how he could be getting a bill when he hadn't had the final inspection*
- *Oct, he got his C of O but he still had questions about this bill because there was never a final inspection*
- *he will gladly pay for the primary cost; not for the additional fees*
- *the tank was removed; fire inspector saw that; he removed stuff within 5 feet of the fuse box*

Ms. Shaff:

- *the C of O paperwork says it was approved Aug 4, 2014; it also says that Inspector Hall was there for the Aug 1, final inspection*
- *don't know where the communication broke down*

Mr. Osborne:

- *after he got his C of O, he went down to DSI in person*
- *he had a history of trying to contact the inspector with no resolve so, he was going to go over the bill with him when he came for the final inspection*

Ms. Moermond:

- *will recommend reducing the service charge by half (\$355 - \$75 = \$280)*
- *she thinks that there is a question when the C of O wasn't issued until Oct*
Reduce from \$355 to \$280 (reduce service charge by half).

Referred to the City Council due back on 2/4/2015

- 35 [RLH TA 14-694](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1502P, Assessment No. 158401 at 1058 MINNEHAHA AVENUE WEST.

Sponsors: Thao

John and Ashlen Bruns, owners, appeared.

Inspector Paula Seeley:

- provided a graffiti waiver to Appellants for signature

Ms. Moermond:

- city cleaned-up the graffiti; they want to charge you for that

- she always recommends that a graffiti assessment be deleted if a waiver is signed; then, the assessment is gone

Mr. Bruns:

- he called the police and they said to call City Hall

Ms. Moermond:

- Delete the assessment; graffiti waiver signed at the hearing.

Referred to the City Council due back on 2/4/2015

- 36 [RLH TA 14-685](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 1186 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

No show; approve.

Referred to the City Council due back on 2/4/2015

- 37 [RLH TA 14-671](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504A, Assessment No. 158503 at 1862 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Owner missed hearings on 12/2 and 12/16; approve the assessment.

Referred to the City Council due back on 2/4/2015

- 38 [RLH TA 14-692](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 518 SHERBURNE AVENUE.

Sponsors: Thao

No show; approve.

Referred to the City Council due back on 2/4/2015

- 39 [RLH TA 14-701](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 1242 WOODBRIDGE STREET.

Sponsors: Brendmoen

Delete due to the fact that no pictures of tall grass and weeds were taken and it was a vacant building at the time. (No hearing necessary).

Referred to the City Council due back on 2/4/2015

- 40 [RLH TA 14-710](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504A, Assessment No. 158503 at 307 TOPPING STREET.

Sponsors: Thao

Vlada Gazalabova, BLM Management Group, appeared.

Ms. Gazalabova:

- we did not receive the letters
- the SA Order is dated Sep 3, 2014; it was sent directly to the owner in CA; he forwarded it to her on Sun Sep 7, 2014 with a note that the deadline is set for Sep 2, 2014 and it was sent Sep 3

Inspector Paula Seeley:

- clean-up
- recommended deleting this assessment because the paperwork was incorrect

Ms. Moermond:

- the Dept is asking for this assessment to be deleted
 - she will recommend deleting this assessment
- Delete the assessment.*

Referred to the City Council due back on 2/4/2015

- 41 [RLH TA 14-711](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1503E, Assessment No. 158302 at 1205 EDGERTON STREET.

Sponsors: Brendmoen

Thang Hguyen appeared on behalf of Bich Lien Nguyen, owner.

Inspector Paula Seeley:

- Correction Notice mailed Jul 15, 2014; compliance Jul 21 to remove vehicles parked on an unapproved parking surface
- sent to Bich Lien Nguyen, 6057 2nd Ave S, Mpls; and Occ
- no returned mail
- re-checked Jul 22; photos were taken and an Excessive Consumption letter was sent
- checked again Jul 28 - "vehicles still parked in yard; sent a Zoning letter for parking"
- Aug 21, inspector spoke with owner - "has new tenants moving in; is going to block off rear yard; closing file"
- cost: \$120 + \$35 service chg = \$155

Mr. Nguyen:

- it took 2 months to evict these tenants; they didn't pay rent for 3 months, nor electricity; he lost a lot of money
- he did not receive any mail from Inspector James Hoffman; he came every week to check the vehicles; he called Mr. Hoffman, who waived this for 2 months

Ms. Seeley:

- someone updated/modified the C of O; listed now show Bich Lien Nguyen, PO Box 2341, MPLS; if someone modified it after the fact, it shows there was returned mail

Ms. Moermond:

- provided a C of O form for Mr. Nguyen so that Notices will also come to him

Fire Inspector A. J. Neis:

- address on C of O form is PO Box 2341, MPLS MN - Inspector James Thomas entered the correct information on Aug 27, 2014
- the Orders from Code Enforcement, however, go directly to the owner

Ms. Seeley:

- so, we wouldn't have had that address

Ms. Moermond:

- this is a parking surface issue; tenants were parking on an unapproved surface/grass
- it looks as though it was eventually taken care of but not in time to meet the deadline so, Code Enf is proposing you pay for an inspection trip charge

Mr. Nguyen:

- when I came to do anything to try to fix anything, tenants would call the police
- after they were gone, he fixed in the house

Ms. Seeley:

- recommended the assessment be deleted until he gets the parking area barricaded off really good

Ms. Moermond:

- that works for me
- will recommend deletion as long as Mr. Nguyen follows through on barricading that area

Mr. Neis:

- explained to Mr. Nguyen that ballistrades or something has to be put there so no one can park there
- tenants will park there unless it's barricaded; a couple posts and a chain would do with a "No Parking" sign for now; then, something nicer in summer

Ms. Moermond:

- Delete the assessment provided the owner barricades the rear yard area with temporary posts by January 1, 2015 to prevent tenant(s) from parking; grant until June 1, 2015 for permanent posts.

On January 9, Mr. Nguyen called and stated he has put up permanent fencing.

Changed recommendation from delete to forthcoming. Although there was an email from the owner indicating the fence had been addressed, there was no permit or follow-up by an inspector. Inspector in field indicated there may be some property line issues and will be reporting back prior to week's end, January 30. -MM

Referred to the City Council due back on 2/4/2015

Special Tax Assessments - ROLLS

- 42 [RLH AR 14-89](#) Ratifying the assessments for Collection of Certificate of Occupancy fees billed July 14 to August 15, 2014. (File No. CRT1504, Assessment No. 158203)

Sponsors: Lantry

Referred to the City Council due back on 2/4/2015

- 43 [RLH AR 14-90](#) Ratifying the assessments for Graffiti Removal services from August 13 to September 6, 2014. (File No. J1502P, Assessment No. 158401)

Sponsors: Lantry

Referred to the City Council due back on 2/4/2015

- 44 [RLH AR 14-91](#) Ratifying the assessments for Boarding and/or Securing services during September 2014. (File No. J1503B, Assessment No. 158102)

Sponsors: Lantry

Referred to the City Council due back on 2/4/2015

- 45 [RLH AR 14-92](#) Ratifying the assessments for Excessive Use of Inspection services billed June 21 to September 3, 2014. (File No. J1503E, Assessment No. 158302)

Sponsors: Lantry

Referred to the City Council due back on 2/4/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 46 [RLH SAO 14-47](#) Appeal of Penelope Duerr to a Notice to Cap or Repair Rain-Leader or Standpipe at 1442 BERKELEY AVENUE.

Sponsors: Tolbert

Appeal withdrawn; extension granted by inspector.

Withdrawn

- 47 [RLH CO 14-19](#) Appeal of Jason Degidio to a Correction Notice at 1104 DULUTH STREET.

Sponsors: Bostrom

Jason Degidio, owner, appeared.

Inspector Paula Seeley:

- complaint came into the office Nov 19, 2014 re: vehicles parked in yard
- she went out and noticed that there's a food truck with an RV plate on it and a black van in the rear yard parked on the grass
- her Orders read: Completely remove food truck; commercial vehicles are not allowed in an R-4 residential Zoning District - over weight vehicle; see attachment
- Mr. Degidio filed an appeal
- she ran the DMV plates on the RV; it comes up Multus To Go Inc, 11342 Edgewood Ave, Champlain
- Legislative Code says: once an RV has been modified not for transportation but for food service, etc, it cannot be parked in an R-4 Zoning District; and it's a home occupancy (2 violations)

Mr. Degidio:

- that truck is his livelihood
- there is inventory on that truck that is temperature sensitive; they need to monitor it for safety and temperature; moving it off his property means that it becomes a target for vandalism, power failures, etc.
- he is looking for a variance or whatever he needs to do to be able to keep the truck there
- that truck is his transportation and also his job; he wants to keep his truck at home
- re: the DMV's record on the vehicle: he is making payments on the truck from the woman who owned it previously; she couldn't make a "go" of her business; they arrived at an agreement
- they are in their 6th month with the business and are struggling a bit because of the snow
- removing the truck to a remote location would cost them upward from \$400/month, which would cause irreparable damage to his business (they need climate-control storage indoors)
- on his property, they keep the truck heated on the inside because it retains all the originally plumbing and fixtures from when it was a Winnebago RV; they've modified it with a grill and hood
- they are out 3-4 times a week staying as busy as they can; the truck moves regularly

Ms. Moermond:

- it's a Zoning violation and because of that you are being asked to move it; the issue ends up here because the truck is being Ordered moved

Mr. Degidio:

- does the city offer variances for these type of situations?

Ms. Seeley:

- yes, it does at the Board of Zoning Appeals
- thinks that you can get a variance without going in front of the BZA but it costs \$275 and she doesn't think that Zoning would give him a variance because the vehicle is over weight (anything over 9,000 lbs); his vehicle is 10,000 lbs

Mr. Degidio:

- they want to be as compliant as possible but at the same time, he can't let this put him out of a job

Ms. Moermond:

- when you have a business operating from a residence, you need to have a home occupancy license granted for Zoning purposes; so, businesses and residences

really aren't allowed to mix unless you have a license; as a rule, they do not accept home occupancies for anything involving a vehicle

Mr. Degidio:

- they just bought the house within the year and their goal, ultimately, is to remove the garage that's there and erect a larger, structurally sound garage for the vehicle; it will probably be a year or two before they can get to that because they just recently had a baby

Ms. Moermond:

*- she wants to provide a very reasonable amount of time to be able to manage this situation and find something more permanent for the truck
- deadline: Apr 15, 2015 for the commercial truck to be moved from the property
- deadline for the black van to be moved: Dec 28, 2014*

Mr. Degidio:

- the mini van that had been parked in front of the back van was towed out yesterday to have it's engine replaced, so, the black van is being moved forward onto the concrete maybe today; guaranteed by the end of the week

Ms. Moermond:

*Grant until December 28, 2014 to move the van into an approved parking surface;
grant until April 15, 2015 to remove the commercial truck from the property*

Referred to the City Council due back on 1/7/2015

- 48** [RLH SAO 14-46](#) Appeal of Daniel Haakinson to a Summary Abatement Order at 2140 HOWARD STREET SOUTH.

Sponsors: Lantry

Appeal withdrawn; extension granted by inspector.

Withdrawn

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 49** [RLH VO 14-65](#) Appeal of Judy and Robert Gilbertson to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1144 BRADLEY STREET.

Sponsors: Brendmoen

Judy and Robert Gilbertson, owners, appeared.

Inspector Paula Seeley:

*- she got an Email from Fire Dept; they had been over at the house due to the alarm system going off; they realized that there was hoarding going on and sent the complaint to them
- Dec 5, 2014, she went to inspect with Inspector James Hoffman
- she found the basement being the worst and the bedrooms on the first floor are also quite cluttered
- the dining room/living rooms are also pretty full*

- the windows need to be unblocked; clutter and debris need to be removed
- she doesn't want Kay's help
- best thing is to hire Domestic Engineering; Char runs it; they are the best: 4 women go in and they don't just throw things; they box stuff and label where things should go; the city, on the other hand, will just throw things away
- they don't have friends or church members who could help
- both have health issues and she doesn't think they'll be able to do it
- especially, she needs help with the basement stuff, mostly rubbish; upstairs stuff is good- items that could be donated
- also, there's plumbing issues
- she did not go upstairs to where Mr. Gilbertson lives

Ms. Gilbertson:

- they both live at this historic home, 150 years old; was made into a duplex in the 30's
- her parents bought the house in 1946
- this year's been tough; her brother, Robert, has been in and out of the hospital and nursing home over 8 times
- she, too, has been ill; she also procrastinates
- she has a new water heater to be installed later this week so, she started cleaning out the basement; Ms. Seeley would be proud of her
- when she moved back to the house, she took her stuff and put it into the basement because she had to deal with her mom's stuff and she is still dealing with it; has had a hard time with it
- she had been working full time but she became ill and was forced into retirement in 2009; she's gotten backed up
- she needs to go through boxes; doesn't want to just "throw" them
- she has never been a hoarder; her previous homes have all been immaculate but this house is old - there are no closets and having always been poor growing up, she has a thing about storing food for the winter; she has extra food now too, and needs to eliminate that
- she also takes care of her brother's paperwork/bills, etc; he has in-home care and a social worker; and she is under a Dr's care

Mr. Gilbertson:

- he doesn't have very much stuff; already had a domestic engineer
- is in the process of eliminating more things

Ms. Gilbertson:

- domestic engineer's are expensive; they said it would cost around \$7,000 and she doesn't have that kind of money
- she always wanted a library so, her brothers built shelves so that she could have her books; every room has books; she loves to read
- she still has boxes to go through from moving in and she also needs to go through her mom's things; to have someone come in and do that -to her, is overwhelming
- she knows that there is too much; she has been working on it and has gotten a lot done

Fire Inspector A. J. Neis:

- noticed that there was a permit pulled in 2011 for a brand new 2 1/2 car garage (Ms. Gilbertson's cars and Christmas decorations are in the garage);

Ms. Moermond:

- Ms. Gilbertons may not have been a hoarder in the past but she is now
- she can't give her time; people need to be able to get to the exits and the volume needs to be decreased; it's a fire hazard

- she can do without all those books and the food stored is probably expired anyway; you need to work with domestic engineering
- however she does it, there has to be a solution soon; it can't wait a long time
- will give her a week
- will lay this over for 1 week to Dec 23, 2014 at 11:30 am
- in between now then, she can talk with the domestic engineering folks and other people who may be able to help; tailor a plan
- you need to have some place to live safely more than you need a lot of the other things in your house

Laid Over to the Legislative Hearings due back on 12/23/2014

50 [RLH VO 14-63](#)

Appeal of Lao Toua Moua to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2049 FOURTH STREET EAST.

Sponsors: Lantry

Lao Toua Moua, owner and Yanci Zhang, tenant, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Revocation Notice and Order to Vacate
- complaint came in Jul 22, 2014 re storm screen door on front of house has been broken for months; the fence has been falling down; there's a general lack of maintenance and repair; all this has been going on for an extended period of time
- Inspector Niemeyer went out to investigate the complaint and found it valid; subsequently, issued Orders and transferred the file to the Certificate of Occupancy Program
- the house was occupied at the time and is still occupied
- re-inspection was made Aug 15, 2014; property owner didn't show; tenants allowed him access but they had no knowledge of an inspection appointment; they also provided him with a phone number for the property owner
- Aug 18, inspector received a voice mail from property owner saying that he had forgotten about the inspection and wanted to re-schedule
- Sep 16, 2014 another re-inspection was made; met with owner, who said that he had been unable to get the interior done because his job had him working double shifts; advised that the list needed to be completed or enforcement action would be taken
- Oct 31, 2014 another re-inspection; owner didn't show but people could be heard inside
- inspector set up a final re-check in Dec; again, no show and no one at the property; no work had been done on the exterior and since it was over 90 days of long term noncompliance, he Revoked the C of O and Ordered the building Vacated
- tenant is also appealing for more time to find a new place to live

Mr. Moua:

- working CPI Company; they make credit/gift cards/etc.cards and he's been working 12 hr days/6 days a week just to keep up with his bills and child support; the company will be closed for 3-4 weeks after next week, then, he plans to take care of the repairs on the house; he's already fixed the screen door; he took down the fence; the neighbor next to him tore down the house on the property and when he's ready, they will go halves on a new fence between the properties
- is asking for a month or two; he's been working very hard but he will fix whatever he himself can fix and call contractors for those things that he cannot fix
- some items are very simple - things he can do
- re #19 on the exterior, cement steps, he will call a cement company to do those steps
- it's been very busy for him since Jun 2014 until now

Ms. Moermond:

- being very busy is not an excuse; these things have to be taken care of; this is an investment property - a business for you and you need to maintain it if you want that business to work
- is comfortable giving an extension but not a month or two
- your time off is quite specific but it makes no difference as far as she can tell as to how your going to manage the situation
- off from Dec 23 - Jan 10

Ms. Zhang:

- the Vacate deadline is Dec 31, 2014; that time is too short for her
- she did not pay rent this month because she saw the Notice before that
- is here to be granted extra time to find a house for the 8 people who live inside this house
- she is working 9 hours a day
- she went to Hmong Village to look for a place but she can't find a house that will fit her family; there are bigger houses but they also cost a lot more money and she can't afford that much because she's the only one working

Mr. Moua:

- he likes his tenants
- there aren't a lot of bad things that need fixing; just little things like new smoke detectors, etc.; just little things like address numbers for the garage
- thinks that by Jan 10, 2015, he will be finished so that the Order to Vacate can be dismissed
- he wants to comply with the city; and fix whatever needs to be done
- will put in all new smoke detectors - just a couple hours of work but he has been too busy and he hasn't been comfortable just stopping by the house to do some of these little things

Ms. Moermond:

- she is not impressed with Mr. Moua's arguments
- smoke detectors are hugely important; she is not sure why there hadn't been an Order to Vacate up until now

Mr. Neis:

- Inspector Niemeyer is a fairly new inspector; if Mr. Neis would have seen this lack of smoke detectors and how nonchalant Mr. Moua has been about that lack, he would have not only issued an immediate Condemnation of the house but would also would have issued a Criminal Citation immediately with a mandatory court appearance for failure to supply smoke detectors for him tenants
- a citation will be issued if smoke detectors are not installed by tomorrow; we'll need to set up an inspection to see that they are all functioning

Ms. Moermond:

- all smoke detectors should be working perfectly by the time the inspector comes tomorrow; so, that's got to happen today
- order the Fuel Burning Equipment Test #20 and have it done within 1 week
- struggling with wanting to have the property owner on a tight deadline and wanting to give the tenant time to vacate
- if you don't have a Fire C of O, the tenant does not have to pay rent (Law)
- City Council Public Hearing on this is Jan 7, 2015 at 5:30 pm
- will recommend that everything be fixed by Jan 12, 2015 except for the cement work on the steps; schedule an inspection for that day
- if things aren't repaired by Jan 12, the house must be vacated by Feb 1, 2015 and

referred to the Vacant Building Program

*- May 1, 2015 is the deadline for having the cement steps repaired
Grant extension until December 17, 2014 to come into compliance with the smoke detectors and until December 23, 2014 fuel burning testing; grant the remaining items until January 12, 2015 for compliance or the house must be vacated by February 1, 2015 and refer to vacant building program; grant until May 1, 2015 for the cement work on the steps located at the south side.*

Referred to the City Council due back on 1/7/2015

51 [RLH VO 14-64](#)

Appeal of Yanci Zhang to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2049 FOURTH STREET EAST.

Sponsors: Lantry

Lao Toua Moua, owner and Yanci Zhang, tenant, appeared.

Fire Inspector A. J. Neis:

*- Fire Certificate of Occupancy Revocation Notice and Order to Vacate
- complaint came in Jul 22, 2014 re storm screen door on front of house has been broken for months; the fence has been falling down; there's a general lack of maintenance and repair; all this has been going on for an extended period of time
- Inspector Niemeyer went out to investigate the complaint and found it valid; subsequently, issued Orders and transferred the file to the Certificate of Occupancy Program
- the house was occupied at the time and is still occupied
- re-inspection was made Aug 15, 2014; property owner didn't show; tenants allowed him access but they had no knowledge of an inspection appointment; they also provided him with a phone number for the property owner
- Aug 18, inspector received a voice mail from property owner saying that he had forgotten about the inspection and wanted to re-schedule
- Sep 16, 2014 another re-inspection was made; met with owner, who said that he had been unable to get the interior done because his job had him working double shifts; advised that the list needed to be completed or enforcement action would be taken
- Oct 31, 2014 another re-inspection; owner didn't show but people could be heard inside
- inspector set up a final re-check in Dec; again, no show and no one at the property; no work had been done on the exterior and since it was over 90 days of long term noncompliance, he Revoked the C of O and Ordered the building Vacated
- tenant is also appealing for more time to find a new place to live*

Mr. Moua:

*- working CPI Company; they make credit/gift cards/etc. cards and he's been working 12 hr days/6 days a week just to keep up with his bills and child support; the company will be closed for 3-4 weeks after next week, then, he plans to take care of the repairs on the house; he's already fixed the screen door; he took down the fence; the neighbor next to him tore down the house on the property and when he's ready, they will go halves on a new fence between the properties
- is asking for a month or two; he's been working very hard but he will fix whatever he himself can fix and call contractors for those things that he cannot fix
- some items are very simple - things he can do
- re #19 on the exterior, cement steps, he will call a cement company to do those steps
- it's been very busy for him since Jun 2014 until now*

Ms. Moermond:

- being very busy is not an excuse; these things have to be taken care of; this is an investment property - a business for you and you need to maintain it if you want that business to work
- is comfortable giving an extension but not a month or two
- your time off is quite specific but it makes no difference as far as she can tell as to how your going to manage the situation
- off from Dec 23 - Jan 10

Ms. Zhang:

- the Vacate deadline is Dec 31, 2014; that time is too short for her
- she did not pay rent this month because she saw the Notice before that
- is here to be granted extra time to find a house for the 8 people who live inside this house
- she is working 9 hours a day
- she went to Hmong Village to look for a place but she can't find a house that will fit her family; there are bigger houses but they also cost a lot more money and she can't afford that much because she's the only one working

Mr. Moua:

- he likes his tenants
- there aren't a lot of bad things that need fixing; just little things like new smoke detectors, etc.; just little things like address numbers for the garage
- thinks that by Jan 10, 2015, he will be finished so that the Order to Vacate can be dismissed
- he wants to comply with the city; and fix whatever needs to be done
- will put in all new smoke detectors - just a couple hours of work but he has been too busy and he hasn't been comfortable just stopping by the house to do some of these little things

Ms. Moermond:

- she is not impressed with Mr. Moua's arguments
- smoke detectors are hugely important; she is not sure why there hadn't been an Order to Vacate up until now

Mr. Neis:

- Inspector Niemeyer is a fairly new inspector; if Mr. Neis would have seen this lack of smoke detectors and how nonchalant Mr. Moua has been about that lack, he would have not only issued an immediate Condemnation of the house but would also would have issued a Criminal Citation immediately with a mandatory court appearance for failure to supply smoke detectors for him tenants
- a citation will be issued if smoke detectors are not installed by tomorrow; we'll need to set up an inspection to see that they are all functioning

Ms. Moermond:

- all smoke detectors should be working perfectly by the time the inspector comes tomorrow; so, that's got to happen today
- order the Fuel Burning Equipment Test #20 and have it done within 1 week
- struggling with wanting to have the property owner on a tight deadline and wanting to give the tenant time to vacate
- if you don't have a Fire C of O, the tenant does not have to pay rent (Law)
- City Council Public Hearing on this is Jan 7, 2015 at 5:30 pm
- will recommend that everything be fixed by Jan 12, 2015 except for the cement work on the steps; schedule an inspection for that day
- if things aren't repaired by Jan 12, the house must be vacated by Feb 1, 2015 and referred to the Vacant Building Program
- May 1, 2015 is the deadline for having the cement steps repaired

Grant extension until December 17, 2014 to come into compliance with the smoke detectors and until December 23, 2014 fuel burning testing; grant the remaining items until January 12, 2015 for compliance or the house must be vacated by February 1, 2015 and refer to vacant building program; grant until May 1, 2015 for the cement work on the steps located at the south side.

Referred to the City Council due back on 1/7/2015

1:30 p.m. Hearings

Fire Certificates of Occupancy

52 [RLH FCO
14-183](#)

Appeal of Jeff Sullivan to a Fire Inspection Correction Notice at 1084 EUCLID STREET.

Sponsors: Lantry

Jeff Sullivan appeared representing Del Co Limited Partnership.

Fire Inspector A. J. Neis:

- we were here on this a couple of weeks ago and the Revocation of the Fire C of O was being appealed

Mr. Sullivan:

*- appealing #1 All parking spaces shall be paved with asphalt, concrete or durable dustless surfacing; site plan approval must be obtained before paving commences
- he'd like to leave it as is with pea gravel; if that can't happen, he'd like to remove the gates on the back fence and make it a permanent fence and say there's no parking back there
- believes that the alley is paved*

Mr. Neis:

*- looking at photo, he sees a maintained lot line; someone recently put down some green treated timbers
- if the alley is paved and the driveway goes from lot line to lot line, the driveway also needs to be paved*

Ms. Moermond:

*- doesn't know what will work regarding Zoning; if there's parking already, you need to maintain it; also, there's a question about how much parking you need
- you will need to square that with Zoning
- gravel is not accepted as acceptable ground cover; you would need to do something else with it*

Mr. Neis:

- if there using pea gravel as a parking surface, that will not do

Mr. Sullivan:

*- there are no additional off street parking spaces provided
- the pea gravel was put down about 203 years ago when the fence was constructed around the yard with the big gates in the back
- between the back of the fence and the alley, there probably is a 10-ft wide area where you could still park; it's also not paved
- they got this house back about 2 months ago; the former owners had lived there 4-5 years*

Mr. Neis:

- doesn't see a permit for the 6-ft tall fence
- this property had a fire in 2012

Ms. Moermond:

- assumes that the 10 ft behind the fence is for parking and needs appropriate surface to match the alley
 - can live with the pea gravel inside the fence if not used for parking
- Pea gravel inside the fence is acceptable pending a site plan approval by Zoning if owner wants to use it for tenant(s) parking; grant until May 1, 2015 for site plan approval for appropriate parking surfaces outside the fence; remaining items to be in compliance by January 5, 2015.*

Referred to the City Council due back on 1/7/2015

2:30 p.m. Hearings

Vacant Building Registrations