



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Thursday, January 3, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 13-7** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1304, Assessment No. 138803 at 993 JAMES AVENUE.
- Sponsors:** Thune
- Approve the assessment.*
- RE: 993 James Ave (single family)*
- Henry Seka, owner, appeared.*
- Matt Dornfeld, Vacant Buildings:*
- registered Vacant Building fee for a cost of \$1,250
 - Mar 20 - Aug 17, 2012 duration
 - a Category 1 VB file was opened Jun 20, 2012 per a referral from Inspector Steve Schiller
 - at the time of Inspector Senty's observation, the house was unoccupied, secured by normal means; the front step/stoop was settling; gas meter was locked; electrical meter was yellow-tagged; the garage had missing siding, open eaves, chipped and peeling paint; he opened a Cat 1 VB at that time
 - Fire Inspection followed that up with a Revocation Jul 17, 2012 by Fire Inspector Bohan, who documented 20 code deficiencies, both interior and exterior
 - at that moment, Inspector Senty changed the property to a Cat 2 VB status - due to prolonged vacancy and multiple code violations
- Mr. Seka:*
- has a military obligation and will be leaving for duty tomorrow
 - water, electricity and gas have been restored
 - has owned this since 2008 and has been on active duty since then
 - when the tenants moved out in Oct of 2010, he continued to maintain the property
 - U.S. Bank came in and thought they would cash in on a very fast foreclosure; however, because the loan is VA, the foreclosure would take a long time
 - U.S. Bank contacted a predatory company, Five Brothers, of Michigan, to maintain this property while Mr. Seka was in service
 - Five Brothers did a horrible job of property management/maintenance
 - when his tenants moved out, he contacted a realtor to put the property up for sale but Five Brothers came and gang locked the house so that he and the realtor had no

access (Jan 2011)

- the VA contacted the Bank of America and informed them that Mr. Seka had a right to access his property
- at this time, the neighbors began to complain about the property
- he called Mai Vang and others from Fort Dix to explain that he is doing everything possible to maintain the property; last year he flew back at his own expense from Fort Dix, NJ when he received a Notice from the city to cut a tree down and mow the grass
- he has done his best to fix things
- in all fairness, it's unfair for him to own property and not have access to it in order to maintain it; and then, to be penalized because of the bank; if he had access, this would never had happened
- since then, he has retained a retired person who will take care of the property - he has been told what all needs to be done
- it seems as though Five Brothers wants to destroy the property
- he hasn't been making payments on the house

Fire Inspector Leanna Shaff:

- has photos that Inspector Bohan took from Jul 2012
- the siding was done incorrectly; the front step is sinking (propped up by blocks); cement slab is not properly supported; open eaves - lacking fascia and soffit; garage is in bad shape; seeing where the electricity goes out from the house into conduit (separated from box) - bare wires sticking out; soffit structure is pulling away from the structure (she'd guess the house is shifting); wet basement with mold and mildew; duct work for the dryer; bathroom needs work; basement ceiling
- real estate taxes

Mr. Seka:

- ultimately, he wants to sell the house
- the house was built in 1979 on ground that is shifting/sinking, which he has no control over
- the city of St Paul is aware of that
- since he is working at Fort Dix, he is asking for time and not to be penalized (affects his credit rating and his security clearance)
- he is doing everything he can; he has a very highly sensitive job in the Army
- he wants to fix the property but since he's not in Minnesota, he can't do it quickly
- he is not paying the mortgage or the property taxes; he is paying for the insurance

Ms. Moermond:

- the Vacant Building Program is intended to provide a mechanism for monitoring vacant buildings and not all vacant buildings get put into that program
- if the VB fee goes unpaid, it will be put onto the property taxes
- this is an empty building with documented code violations - when we have this situation, it needs to be in the VB Program and there's a fee attendant to that
- to get out of the VB Program, you need to do more than address the list of items that the fire inspector wrote up, you need to have a code compliance inspection, which will need to be ordered
- this property could be sold as a Cat 2 VB - to someone who can demonstrate that they will do those fixes
- until the code compliance inspection is done and all the fixes are made, no one can occupy that property (Mr. Seka: there's no way he can do all that when he is not in Minnesota; he needs someone who can take care of all of this, who is here)
- it sounds as though Mr. Seka is not well suited to be a property owner: he's not able to take care of the property; he is not paying the mortgage; he is not paying the taxes; he cannot manage it and he is not able to make the repairs on it
- she can only judge future behavior by past behavior and the Appellant hasn't been

taking care of business

- *there are a lot of repairs that need to get done and the code compliance inspection has not yet been ordered*
- *this VB fee goes from Jun 2012 - Jun 2013; she'd like to encourage him to get out of the VB Program by using part of this fee as an incentive to get those repairs done; if he can get this be taken care of very soon, she could prorate the fee by half*
- *the Appellant can have as much time as he wants to fix it or to sell it*

Mr. Seka:

- *the inspection will be ordered*
- *he is doing what he can with the resources that he has*
- *he can have 95% of the work done by the end of Jul 2013 but he will push to have it done by Jun 2013*

Ms. Moermond:

- *that's still a year in the program*
- *Mr. Seka will need to pay the VB fee (the VB fee doesn't play into a credit rating)*
- *the fact that Mr. Seka is deployed does not affect the VB fee one way or the other*
- *will recommend approval of this assessment*
- *City Council Public Hearing Feb 20, 2013 at 5:30 p.m.*
- *Appellant can have a representative come to the CCPH or he can present something in writing*

Referred to the City Council due back on 2/20/2013

Orders To Vacate, Condemnations and Revocations

- 2** [RLH VO
12-129](#) Appeal of Bill Bernier to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1760 SEVENTH STREET EAST.

Sponsors: Lantry

Withdrawn by Dept. (VB closed and referred to Fire C of O program.

Withdrawn

Fire Certificates of Occupancy

- 3** [RLH FCO
12-660](#) Appeal of Michael Tierney to a Fire Certificate of Occupancy Correction Notice at 1911 IGLEHART AVENUE.

Sponsors: Stark

Deny the appeal and grant an extension until September 1, 2013 for compliance of the list.

RE: 1911 Iglehart Ave (duplex)

Michael Tierney, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection conducted Dec 19, 2012 by Inspector Jay Bohan*
- *8 items on the Order*
- *doesn't know what's being appealed*

- photos in Amanda

Mr. Tierney:

- he lives next door; he was brought up in 1911 Iglehart
- the garage abuts the alley as all the other garages do; their's faces south so, there's no entrance off the alley to come up the driveway
- they don't use the garage except for storage (lawn mower, snow blower, etc.)
- the building is sound except they are having a war with the squirrels; the building is old (used to be a horse barn) and the squirrels love to chew it up
- he would like to replace the garage this summer
- the reason he can't do it now is that the alley is glare ice (scaffolding would not work); the roof is 20 feet from the ground
- the inside of the house is all being taken care of (cracks, holes); it's waiting to be painted - the back hallway is enclosed but is not heated - there's scaffolding up inside, so he can scrape it - painting will need to wait
- 2 north facing windows are being attacked by the squirrels but they are not leaking - he will take care of them in spring

Ms. Moermond:

- will recommend granting an extension to Sep 1, 2013 to address all these issues

Referred to the City Council due back on 1/16/2013

4 [RLH FCO
12-659](#)

Appeal of Andy Gross to a Fire Certificate of Occupancy Correction Notice at 848 MANOMIN AVENUE.

Sponsors: Thune

Grant the appeal to be out of the Fire C of O Program.

RE: 848 Manomin Ave (single family)

Andy Gross, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection
- staff has not been inside this structure
- Mr. Gross and his daughter own the house together; has copy of agreement between them; it's not registered with the county

Mr. Gross:

- bought house on foreclosure; cash deal Nov 2009; his daughter had just finished college and she had no credit
- she would live there and help with maintenance, etc., until she got a job
- they made a lot of improvements
- he brought a copy of his daughter's driver's license showing she lives there and a copy of insurance
- she is the only one who lives there
- this is not rental income
- brought photos of improvements (new roof, etc.)
- once they bring it into a nice condition, they will either sell it or she will get a mortgage on it
- he doesn't own any other properties; he's not a landlord
- he doesn't want to be saddled with yearly inspections

Ms. Moermond:

- asked to see agreement between Mr. Gross and his daughter; scanned it into

record

- the joint ownership agreement is dated from Nov 2009 - evidence that it is actually owner-occupied*
- will recommend that this property be out of the Fire C of O Program*
- the Orders are withdrawn*
- City Council Public Hearing - Jan 16, 2013 at 5:30 p.m*

Referred to the City Council due back on 1/16/2013