



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

Staff Report

File Number: ALH 11-501

Introduced: 4/13/2011

Version: 1

Current Status: Filed

Matter Type: Appeal-Legislative
Hearing

Appeal of Special Tax Assessment for 407 BAY ST for Project #: J1105E, Assessment #: 118037 in Ward 2.

Approve the assessment.

Cost: \$75

Service Charge: \$20

Total Assessment: \$95.00

Gold Card Returned by: n/a

Type of Order/Fee: Summary abatement and vehicle abatement

Nuisance: Exterior storage and abandoned vehicle

Date of Orders: 10.21.11

Compliance Date: 10.26.11

Re-Check Date: 11.02.10 & 11.22.10

Date Work Done: n/a

Work Order #: n/a

Returned Mail?: No

Comments: \$50.00 ECN issued on 11.02.10 and a \$75.00 ECN issued on 11.22.10

History of Orders on Property: 2001, 2002, 2006 & 2010 same violations.

Legislative Hearing minutes Tuesday, April 19, 2011:
Approve the assessment.

Terrance Tessmer, owner, appeared.

Inspector Joel Essling reported that the assessment for 407 Bay Street is for Excessive Consumption fee for non-compliance. Both a Summary and Vehicle Abatement Order were issued October 21, 2010 with a compliance date of October 26, 2010. It was re-checked

November 2, and November 22, 2010 and found to be in non-compliance. The Excessive Consumption fee regarding an inoperable vehicle, refuse and debris and storage in the yard area. The cost is \$74 plus a service charge of \$20 for a total of \$95.

Ms. Moermond stated that this hearing will consider the Excessive Consumption assessment; it will not deal with the specifics of the vehicle.

Mr. Tessmer stated that he thought all this had been taken care of after Inspector Seeley had come to his house. He believes that he is being harassed on an on-going basis by the Department of Safety and Inspections (DSI). He hasn't added anything to his yard since Inspector Seeley was out to his yard two (2) years ago. He has contacted Legal Aid and got Chuck Yoyam to represent him, so, he assumed everything had been taken care of. As soon as he received these letters, he contacted Mr. Yoyam, who contacted Mr. Essling. He thought it had all been taken care of as Mr. Yoyam had told him. Mr. Yoyam declined to come today. Mr. Tessmer said that he had paid a couple of previous fees and he wasn't aware that he was going to be charged for more assessments.

Ms. Moermond and Mr. Tessmer viewed the photos. The first photo was of a van; Mr. Tessmer said that the vehicle is licensed, insured and it runs. He uses it for a part time business of his from April through October. During the winter months, it's not used. They viewed a cabinet, trash barrels, a dolly, two (2) ladders, a boat, a bag of cement, lawn mowers and a bike. Ms. Moermond noted that these things are not properly stored. Mr. Tessmer responded that there are all kinds of people who have stuff in their yards. Ms. Moermond said that it doesn't make it legal.

Mr. Essling said that DSI receives complaints on this property regularly. The storage and refuse builds up periodically, comes out the doors of the house, the sheds and the garage. Then, they go out and issue Orders. Mr. Tessmer responded that he hasn't added anything to the yard since Ms. Seeley came out, which was two (2) years ago.

Mr. Tessmer added that there are two (2) women who live next door to him and he believes that they are probably the ones who call and complain about the yard. His wife has seen one of them driving a Public Works truck. If she is the one who is calling, he thinks that's a conflict of interest. Ms. Moermond stated that, by state law, she cannot divulge the complainant's name. She added that a conflict of interest would mean that there's a monetary benefit to whomever is making the call. Employees are not any different from any other citizen when it comes to calling things in. If there is a valid concern when the inspector shows up, then it becomes an Order of some sort; if it's not valid, then there wouldn't be an Order. In this case, the inspector says that it's valid.

Ms. Moermond read from the Order that was issued to Mr. Tessmer on October 21, 2011 that says that he needs to remove improperly stored or accumulated refuse, including garbage, rubbish, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush from yard areas. There's a special note saying, "including rear portion; rear yard." Mr. Tessmer asked how come the yard was OK after they left? They said that they took everything they wanted to take. Ms. Moermond stated that what happened in 2008 is an open and closed matter. This is a new set of Orders. She added that if he had a concern about it, he should have called. Ms. Moermond said that she thinks this is a reasonable fee for this situation; it could be a lot worse.

Ms. Moermond will recommend approval of this assessment.

WHEREAS, in the matter of

[title]

the Legislative Hearing Officer has reviewed the appeal and considered the testimony of City staff and the appellant;

WHEREAS, the Legislative Hearing Officer recommends [recommendation]

now, therefore, be it

RESOLVED, that the Saint Paul City Council hereby accepts and adopts the Legislative Hearing Officer's recommendation in this matter.