



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8560

Tuesday, January 22, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments - Laid Over

- 1 [RLH TA 13-50](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No.138501 at 730 FOURTH STREET EAST.
- Amend Resolution ratified on January 16, 2013 to delete the assessment.*
- See new File No. TA 13-78*
- RE: 730 4th St E (duplex)*
- Margaret Uriah, property manager, appeared.*
- Inspector Paula Seeley:*
- Summary Abatement issued Jul 24, 2012; compliance date Jul 30, 2012
 - re-checked Aug 1, 2012
 - work done Aug 3, 2012 for a cost of \$443
 - sent to Du Hast Eins LLC, 15050 Cedar Ave S, Apt 116-358, Apple Valley, MN and Du Hast Veir LLC, 501 Dale St N, Ste 300, St. Paul
 - no returned mail
 - thinks that on Jul 24, 2012, when the inspector sent the SA, took photos, which clearly showed debris; when he went out again Aug 1, 2012, there was only minor trash (on VIDEO) -- not the same as in the photos
- Ms. Uriah:*
- on Aug 1, 2012 at 2:26 pm, she sent Kathy Lantry the photos of the work having been completed (Council President Lantry had called her)
 - Ms. Uriah had also reported the next door neighbor; she wanted to know why
 - entered photos and email
- Ms. Moermond:*
- asked to see Ms. Uriah's photos
- Ms. Seeley:*
- Jack Reardon went out on Jul 20, 2012 and found mattress and other household items in rear yard; he must have realized that Rick Gavin had an open file, so, he closed his
- Ms. Uriah:*

- Aug 2, 2012, Rick Gavin came back out to inspect to waive their Excessive Consumption fee
- Aug 3, 2012, city showed up is also when the items showed up, she thinks
- Aug 1 - she has the photos; Aug 2 - she had the clearance ---

Ms. Moermond:

- for the record, she just saw photographs of the items for which the Orders were written; after that, she saw photos that on the compliance date, the items were actually removed, and therefore, she will recommend that City Council delete the assessment

Withdrawn (new file under RLH TA 13-78)

- 2** [RLH TA 13-19](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No.138501 at 792 FULLER AVENUE. (To be laid over)

Sponsors: Carter III

Delete the assessment.

RE: 792 Fuller Ave (duplex)

Kasim A. Abdurrazzaq, owner, appeared.

Ms. Moermond:

- we're here today to look at the VIDEO

Viewed VIDEO - showed a pile of yard waste

Ms. Moermond:

- so, there was a mattress and a brush pile and the VIDEO showed the mattress was gone

Mr. Abdurrazzaq:

- 2 issues came up at the last hearing: 1) he didn't get Noticed; and 2) wasn't sure whether this was the same situation as earlier in the year around May and then there was one that was read to him over the phone about scrap metal, etc., for which he never received Notice

Inspector Joel Essling:

- there was a previous complaint regarding the mattresses and they were gone on arrival on May 24, 2012 (Orders were never issued)

Ms. Moermond:

- the notes show history of problems as this property

- balancing lack of Notice and no history

- given no history and the other item was taken care of before Orders were written, she will recommend this assessment be deleted

Referred to the City Council due back on 2/6/2013

- 3** [RLH TA 13-56](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1303, Assessment No. 138202 at 129 JESSAMINE AVENUE EAST.

Sponsors: Brendmoen

Delete the assessment. DSI received payment per Office of Financial Services.

Referred to the City Council due back on 2/6/2013

4 [RLH TA 13-4](#)

Statifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1302, Assessment No. 138201 at 1260 SEVENTH STREET EAST.

Sponsors: Bostrom

Reduce the assessment from \$660 to \$575 and spread the payments over 3 years.

RE: 1260 Seventh St E (single family)

Stewart J. Mednick, owner, appeared.

Ms. Moermond:

- a regular Certificate of Occupancy fee and 4 re-inspections

Mr. Mednick:

- is contesting 2 of the re-inspections that he is being charged for which didn't take place

- Dec 1, 2012 - a regular inspection was scheduled; he had requested that it be re-scheduled to Dec 23, 2012, which did take place

- Jun 25, 2012 - notes that he is also being charged for an inspection fee but he didn't receive notification of an inspection or request to be present for an inspection

- has a Fire C of O; everything has been cleared

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy fee: \$510 + service charge \$150 = \$660

- Orders dated 8-25-11; 9-3-11; 11-7-11; 12-6-11; 12-23-11; 6 of 12

- billings dated 6-26-12 and 7-26-12

- sent to 1783 Thomas Ave and 1806 Minnehaha Ave

- inspection on Jun 25 was all exterior issues so Mr. Mednick might think that the inspector was not there; she shows that Inspector Thomas was there; he also listed time and mileage for it

Mr. Mednick:

- the Dec 1 inspection had been re-scheduled; it's possible that Inspector Thomas might have shown up in error because, he recalls once that he showed up and Mr. Mednick questioned why he was there because it had been re-scheduled; he believes that he spoke to his mother asking her to confirm the cancellation and scheduling, as well

Ms. Shaff:

- this was a Condemnation for a gross sanitation issue and they would not have re-scheduled on something like that; and there would have been a fee for showing up at the property

- there was no working phone number

- they still had exterior issues

Ms. Moermond:

- will recommend the City Council delete the inspection fee for Dec 1, 2011

- the other one sounds as though it may have been an exterior re-inspection so the inspector would not have needed to check with anyone

Mr. Mednick:

- he understood, from what the inspector told him, that every time there's an inspection, Mr. Mednick would be notified; Mr. Mednick or a representative would have to be on the property and, in these 2 cases, there was no notification

whatsoever in regard to that, so he wasn't aware that an inspection had even taken place

Ms. Moermond:

- is comfortable taking off 1 inspection fee, not 2
- will recommend that the other fee be decreased by \$85 divided over 3 years

Referred to the City Council due back on 2/6/2013

- 5 [RLH TA 13-5](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 415 FINN STREET NORTH.

Sponsors: Stark

No show; approve the assessment.

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

- 6 [RLH TA 13-6](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303G, Assessment No. 138702 at 415 FINN STREET NORTH.

Sponsors: Stark

No show; approve the assessment.

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

- 7 [RLH TA 13-24](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1304, Assessment No. 138803 at 383 CLINTON AVENUE.

Sponsors: Thune

PO showed up late on January 8th; rescheduled owner to January 22; Waive the VB fee until February 20, 2013. If finalized, LHO will recommend reducing the assessment in half.

RE: 383 Clinton Ave (single family)

Mr. Doug Ruis, Sr. and Mr. Doug Ruis, Jr. appeared.

Inspector Joe Yannarely:

- Vacant Building fee
- letters sent Aug 3 and Sep 3, 2012
- Category 2 Vacant Building - opened file Sep 2, 2011
- 4 permits outstanding

Mr. Ruis:

- purchased property about 1 year ago and started renovation shortly after that
- 90% completed for a cost of \$90,000
- building is up for sale
- they also renovated the house next door at 393 Clinton
- in the midst of purchasing the lot in between the 2 addresses to build a new home
- they have done a lot of work in the community rehabbing homes and selling them
- also purchased and rehabbed properties for rental and brought in very good tenants
- photo on Internet - showing it's on the market
- permits will be finalized before the house is sold

Ms. Moermond:

- the Vacant Building fee covers 2012 and 2013
- sounds as though it's very close to being done
- perhaps, you'll be in the VB Program for about 4-5 months
- City Council Public Hearing Feb 20, 2013; if those permits are finalized by Feb 20, 2013, she will recommend cutting the VB fee in half

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

- 8 [RLH TA 13-43](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 1171 DAYTON AVENUE.

Sponsors: Carter III

Delete the assessment.

RE: 1171 Dayton Ave (duplex)

Ted Johnson appeared.

Ms. Moermond:

- found only 2 assessments in 2012 that went forward; everything else was taken care of the previous year

Inspector Joe Yannarely:

- the Vacant Building fee was due Jan 5, 2013, so Mr. Johnson is in that time frame right now
- call Mr. Dornfeld and tell him you have a Purchase Agreement and he may extend it (it's considered a Category 2 VB now; usually when there's a fire, people get it rehabbed in a fairly timely manner; but if it's allowed to stay in that condition for a long period of time and allowed to deteriorate, then it needs to go through a code compliance inspection)
- Jim Seeger hasn't yet signed-off on the all the Corrections and as soon as that's signed-off, the VB file is closed

Mr. Johnson:

- there is no information to hand to someone when a person dies in a fire; we don't know what the city expects
- 2 days after he was here at LH last time, Michael Erickson signed a Purchase Agreement to buy the property from him
- he did have the code compliance inspection done; it's not signed-off yet

Ms. Moermond:

- we have 1 assessment for work done in Jul for \$315
- we have another assessment for work done in Sep for \$551, which we're talking about not
- she will write a resolution going backwards to Delete the Jul assessment for \$315 because it was already assessed
- she will recommend that the Sep assessment for \$551 be deleted

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

- 9 [RLH TA 13-45](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 1183 EDGERTON STREET.

Sponsors: Brendmoen

Approve the assessment.

RE: 1183 Edgerton St (single family)

No one appeared.

Viewed VIDEO at Jan 29, 2013 LH

Ms. Moermond:

- the grass and weeds are between 1 - 2 feet high consistent with the photos
- will recommend approval of the assessment

1/31/13--a call was made by Ms. Vang to Tammy Gipson, left voice message, that the assessment was approved.

1/8/13 LH: Forthcoming: to review video.

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

- 10 [RLH TA 13-9](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No.138502 at 998 JESSIE STREET.

Sponsors: Brendmoen

No show; approve the assessment.

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

- 11 [RLH TA 13-33](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 708 SIMON AVENUE.

Sponsors: Brendmoen

No show twice; approve the assessment.

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

- 12 [RLH TA 13-42](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303A, Assessment No. 138502 at 2254 WILLIAM TELL ROAD.

Sponsors: Lantry

Delete the assessment.

RE: 2254 William Tell Road (single family)

Chris Quass, mgr for Sara Billings LLC, appeared.

No VIDEO

Ms. Moermond:

- staff cannot find a VIDEO for your case
- will recommend this assessment be deleted

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

Special Tax Assessments

- 13** [RLH TA 13-65](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No. 138301 at 670 BELLOWS STREET.
- Sponsors:** Thune
- Rescheduled per owner's request.*
- Laid Over to the Legislative Hearings due back on 2/5/2013**
- 14** [RLH TA 13-58](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No. 138301 at 1153 CENTRAL AVENUE WEST.
- Sponsors:** Carter III
- No show; approve the assessment.*
- Referred to the City Council due back on 3/6/2013**
- 15** [RLH TA 13-62](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 319 CHARLES AVENUE.
- Sponsors:** Carter III
- Approve the assessment.*
- RE: 319 Charles Ave (single family)*
- Darnetta Thomas, tenant, appeared.*
- Inspector Paula Seeley:*
- Summary Abatement Order issued Oct 19, 2012 to remove mattresses, garbage on garage slab and wood debris on blvd; compliance date Oct 26, 2012
 - re-checked Oct 31, 2012
 - work done Oct 31, 2012 for a cost of \$308 + \$155 service charge = \$463
 - no returned mail
 - sent to Son and Nguyen, 6830 River Rd, Inver Grove Hts and Yendung Thi Van / Binh Phuoc Nguyen at same address
 - photos taken Oct 29, 2012
- Inspector Joel Essling:*
- the VIDEO is inoperable
- Ms. Thomas:*
- she did not get a Notice
 - the house went up "for sale" so she thought she had to move right away; so, she had a Queen size bedroom set with box spring and mattress -- normally, the guy comes to pick it up but some people came and broke stuff and left some wood planks behind; she has neighbors come and bring their trash -- she doesn't know what all was there but she knows she had the wood on the side by the tree
 - does not know if the landlord got the Notice or not
 - her landlord put a piece of paper on her door
 - she just took for granted that the trash hauler came to pick it up
 - she still lives at the house
 - her landlord told her to appear here today; she asked "what for?" landlord said, "\$400 for stuff you had outside" (that was Ms. Thomas' first time hearing about it)
 - she has always made sure that anything she threw out was always picked-up

- she just doesn't want to be stuck with something that she didn't know anything about

Ms. Moermond:

- the city's obligation is to provide notification to the owner of record; the owner of record is Son Nguyen, Inver Grove Heights, MN

- there isn't an obligation that the Occupant get noticed

Ms. Thomas:

- she is confused - doesn't know what's going on

- she even had to call Southern Minnesota Regional Legal Services (SMRLS) because she got a message on her phone saying that she had to be out because it was the Christmas holidays and she wasn't at home to allow them to do a showing (she wasn't in town - what is she supposed to do)

Ms. Moermond:

- they city will not hold Ms. Thomas, the tenant, accountable; the city holds the owner of record accountable

- any thing between the owner and Ms. Thomas is a private matter - perhaps SMRLS can provide advice on how to manage that

Referred to the City Council due back on 3/6/2013

- 16** [RLH TA 13-57](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No.138503 at 353 COOK AVENUE EAST.

Sponsors: Brendmoen

2/13/13 - property manager for owner called and stated he missed the hearing. Rescheduled to 2/19.

No show; approve the assessment.

Laid Over to the Legislative Hearings due back on 2/19/2013

- 17** [RLH TA 13-85](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1304, Assessment No. 138203 at 590 DESNOYER AVENUE.

Sponsors: Stark

Delete the assessment per DSI recommendation. LHO concurs with the recommendation.

Referred to the City Council due back on 3/6/2013

- 18** [RLH TA 13-51](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 415 FAIRVIEW AVENUE NORTH.

Sponsors: Stark

Approve the assessment.

RE: 415 Fairview Ave N (single family)

Sue Gooden, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Oct 22, 2012; compliance date Oct 29, 2012

- re-checked Oct 29, 2012
- work done Oct 31, 2012 for a cost of \$288 + \$155 service charge = \$443
- plants and leaves obstructing public sidewalk
- sent to the Wayne and Sue Gooden and Occupant at 415 Fairview Ave N
- orders said to clear plants obstructing sidewalk full width
- has 2 photos
- no returned mail

Ms. Gooden:

- also has photo
- when she was notified Oct 21, it said that she was obstructing and blocking the sidewalk
- she had made arrangements with St. Thomas, whose students come out in the fall to rake and bag the leaves; then, send them to the compost
- she was scheduled to have this done the first Sunday in Nov to take care of that situation
- she was not notified that the city was actually going to do that work; she had it set up with the St. Thomas volunteers to come out and clean up those leaves, which they did
- her main contention is that these leaves were not blocking the sidewalk; they were not obstructing/blocking the sidewalk
- another thing: \$440 is a little expensive for cleaning up leaves and actually, the property ends before the "No Parking" sign
- if the assessment can't be deleted, can it be reduced on the basis that the initial paperwork said, "obstructing and blocking the sidewalk"

Ms. Moermond:

- read from the Order: "plantings growing over and obstructing the sidewalk; cut/remove planting so sidewalk is clear full width"
- looking at the photos, she sees the sidewalk deeply covered with leaves on one side and what looks to be the overgrowth of plantings interspersed with the leaves
- the Notification Ms. Gooden received indicated both the deadline for the work to have been done and that if not complied with, a crew will be dispatched
- will recommend the Council approve this assessment
- suggests that Ms. Gooden go to the City Council Public Hearing on Mar 6, 2013

Referred to the City Council due back on 3/6/2013

- 19** [RLH TA 13-63](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302G1, Assessment No. 138706 at 1306 FOURTH STREET EAST.
(Public hearing continued from January 16)

Sponsors: Lantry

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 2/5/2013

- 20** [RLH TA 13-64](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303G, Assessment No. 138702 at 1306 FOURTH STREET EAST.

Sponsors: Lantry

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 2/5/2013

- 21 [RLH TA 13-46](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 891 FREMONT AVENUE.

Sponsors: Lantry

Approve the assessment.

RE: 891 Fremont Ave (single family)

Charles Nosie, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Oct 19, 2012 to clean-up garbage; compliance date Oct 23, 2012*
- re-checked Oct 24, 2012*
- work done Oct 25, 2012 for a cost of \$346 + \$155 service charge = \$501*
- sent to Charles Nosie, 12000 Upper Heather Ave N, Hugo, MN and Occupant*
- no returned mail*
- forthcoming is an \$85 Excessive Consumption charge*
- history*

Viewed VIDEO - trash and bags of garbage

Mr. Nosie:

- did not receive any Abatement Order on this; have received others, which they did deal with*
- we own about 20 other properties in Saint Paul for which they do receive Notices on from time to time; and they address every one of them*

Ms. Moermond:

- sees that there was no returned mail on this one*
- is disappointed that Mr. Nosie has to receive Notices on this property to take care of business*

Mr. Nosie:

- he can't help it if a tenant puts more garbage in the container than it can hold; he provides weekly garbage service and the largest containers*

Ms. Moermond:

- she's not satisfied that he didn't receive Notice*
- will recommend approval of this assessment*
- City Council Public Hearing Mar 6, 2013 at 5:30 p.m.*

Referred to the City Council due back on 3/6/2013

- 22 [RLH TA 13-60](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 883 FRONT AVENUE.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 3/6/2013

- 23 [RLH TA 13-61](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No.

CRT1304, Assessment No. 138203 at 1731 IDAHO AVENUE EAST.

Sponsors: Bostrom

RE: 1731 Idaho Ave E (single family)

Sha Vang, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection for a cost of \$290 + \$150 service charge = \$440
- Orders dated 3-26-12, 4-12-12, 5-1-12, 5-22-12
- billing dates: 6-25-12, 7-25-12
- 7-31-12 - she adjusted the fee (Mr. Vang argued that he didn't show twice, so the fees were adjusted to "no show" fees, requesting Mr. Vang to provide his address because he said he hadn't been notified
- Mr. Vang said that the inspector was not there; although she had mileage records of the inspector being there

Mr. Vang:

- he is disputing the "no show" for May 1 and Mar 26; he did not get written notification
- code also says that the 2nd inspection fee is supposed to be waived
- showed the only letter he got from the inspector
- he gave his address to Inspector Thomas

Ms. Shaff:

- the Ordinance requires that the property owner provide the address of where their mail should be sent and Mr. Vang has failed to do so; they sent the Notice to the last known address that had been provided to them
- she has an email trail that requests his address on numerous occasions
- he has provided his mailing address to Councilmember Bostrom's office; they gave it to her

Ms. Moermond:

- looking at the letter, which says that it's the re-inspection Notice and she sees that the interior was inspected; so, someone met the inspector and let him in

Mr. Vang:

- according to this letter, Mr. Thomas came on Mar 26, 2012 - that's why he came back May 22, 2012 for inspection; but again, he received no notification that he'd be coming Mar 26, 2012; so, Inspector Thomas called Mr. Vang and that's when Mr. Vang gave him his address - that's why I met him May 22, 2012; then, he came back on Jun 22 to do a final inspection

Ms. Moermond:

- because access was provided to the interior, she cannot look at it as a "no show" inspection
- it sounds as though 2 re-inspections fees were being deleted by the dept before it came forward (Ms. Shaff: they were changed to "no show" fees at \$60 each)
- but the "no shows" fees are not assessed (Ms. Shaff: that's correct; they should be taken off the assessment)
- she wants to go back and look at the appointment letters, the Orders and the dates; then she will put her recommendation on the record
- she will send Mr. Vang an email on her finding

LHO Follow-Up Notes on 2/28/13 after review appt letters and orders:

-3/19 Appt letter for 3/26 at 1:30

-3/26 Fire Inspection Correction Notice issued. Includes time and date of next inspection, on 4/18 at 11:45 to look at interior.

-4/12 Fire Inspection Correction Notice issued. Notes building was inspected on 3/26 and includes time and date of next inspection, on 5/1 at 1:00 p.m. (I can see where this would be confusing, because the letter didn't clearly indicate that this was a new date and time than the one specified in the 3/26 letter.

-5/1 Re-inspection letter issued. Includes time and date of next inspection, on 5/22 at 1:00 p.m. to look at interior.

-5/22 Re-inspection letter issued. Includes time and date of next inspection, on 6/22 at 1:00 p.m. to re-inspect interior. C of O issued.

Fee should be C of O charge , plus 1 reinspection, minus administrative fee (because of confusion with date change on 4/18 inspection to 5/1) = \$255.

Original charge = \$340 + Administrative fee =\$100 . Total \$440. (\$340 = C of O fee @ \$170+ 2 re-inspects @\$85/per)

New charge = fee @ \$170+ 1 re-inspects @\$85 = \$255

Referred to the City Council due back on 3/6/2013

24 [RLH TA 13-48](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 1388503 at 1461 IGLEHART AVENUE.

Sponsors: Carter III

Approve the assessment.

RE: 1461 Iglehart Ave (single family)

Steven M. Ripley, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Notice issued Oct 16, 2012; compliance date Oct 22, 2012

- re-checked Oct 30, 2012

- work done Nov 1, 2012 for a cost of \$316 + \$155 service charge = \$471

- no returned mail

- history

- sent to Steven Ripley, 1461 Iglehart Ave

- in bold letters: including removing and dispose of cloth furniture on the side of the property, Pascal Blvd; it's illegal to place items on the city right-of-way/blvd for free, hoping someone takes them or "for sale"; they must be removed

- photo taken Oct 29, 2012

Mr. Ripley:

- first of all, they didn't realize that it was against regulations to try to give a piece of furniture away

- secondly, when they got the Order, they broke up the piece of furniture so that it could be removed by their garbage hauler; it was sitting front of the garage by the trash cans, waiting to be picked-up; they did this 1 day after they received the letter; there was insufficient time given for them to remove it

- they have had a few people dump furniture, appliances, etc., there before, too

- the furniture they referred to on the side of the property is what you see broken up in the pile for our trash hauler to haul away

Ms. Moermond:
 - viewed VIDEO
 - have photos, too

Mr. Ripley:
 - when he came home, he assumed that the trash hauler had come and taken it
 (Video shows the city took it)

Ms. Moermond:
 - is having trouble distinguishing what the Orders say should be removed and what
 the inspector wrote; VIDEO looks consistent with the Orders

Mr. Essling:
 - the inspector was actually out there 5 times, repeatedly seeing that the furniture had
 not been removed (Oct 16, 22, 25, 29; video on the 30)

Ms. Moermond:
 - will recommend approval of the assessment
 - City Council Public Hearing Mar 6, 2013 at 5:30 p.m.

Referred to the City Council due back on 3/6/2013

- 25 [RLH TA 13-68](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 1026 LAWSON AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 3/6/2013

- 26 [RLH TA 13-47](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No.138301 at 1210 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Delete the assessment. Clerical sent to Parks to clean up when they should have sent to Public Works to remove debris in alley.

Referred to the City Council due back on 3/6/2013

- 27 [RLH TA 13-55](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304G, Assessment No.138703 at 885 MARGARET STREET.

Sponsors: Lantry

Delete the assessment.

RE: 885 Margaret St (two-family dwelling)

Selena Peou, owner, and Luther Jones, a friend, appeared.

Inspector Paula Seeley:
 - trash hauler service Order sent Oct 9, 2012
 - compliance date Oct 15, 2012
 - re-checked Oct 15, 2012
 - city dropped off container and charged for 1 week's service for a cost of \$305
 - no returned mail

- same day there also was a Summary Abatement Order issued for about 8 bags of garbage on the garage apron with no visible trash containers
- got a phone call on Oct 22, 2012 from the owner, who said he called Veola and set up trash service
- she called Veola to check it out - owner had called on Oct 9, 2012 to set up service (service was verified; it had been set up on the 9th)
- she went out Oct 15, 2012 and there was still no trash container

Mr. Jones:

- it was actually Oct 8th; he had the receipt
- the container was in the garage
- they set the trash out on the 9th because that's when the hauler came

Ms. Moermond:

- payment date was Oct 8, 2012, according to the receipt
- will recommend this assessment be deleted

Referred to the City Council due back on 3/6/2013

- 28** [RLH TA 13-49](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No. 138301 at 346 MARIA AVENUE.

Sponsors: Lantry

Notes from TA 13-30:

Ms. Moermond:

- she has to look at whether the situation existed or not? and Did the city do the clean-up work?
- asked that a Work Sheet be created for Excessive Consumption in 2 weeks; she will lay that over for 6 months and if there's no problems, she will recommend deletion of the Ex Con (Mr. Drake will not need to come to the LH in 2 weeks)

Referred to the City Council due back on 3/6/2013

- 29** [RLH TA 13-66](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1304, Assessment No. 138203 at 359 MARIA AVENUE.

Sponsors: Lantry

Approve the assessment.

RE: 359 Maria Ave (apartments 1-9 rental units)

Eunyoung Oh, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection cost \$545 + \$150 service charge = \$695
- dates of Orders: 4-13-12, 5-15-12, 6-15-12, 7-31-12
- billing dates: 8-20-12 and 9-19-12
- sent to the Ohs at 2370 Golf Dr in Woodbury

Ms. Oh:

- here to request a reduction in the re-inspection cost because some of these were requested to be re-scheduled
- we were new landlords in that area; the buildings are tougher than they expected; they had a very hard time dealing with the tenants
- tenants caused trouble with the city and consequently, they had more often and stricter inspections

- they tried their best to make their tenants behave better but it didn't work very well
- even though they did proper screening, friends and relatives came around and there was no practical solution because they don't live there
- they were told by DSI that they needed to remove those tenants but it was very difficult
- they had an annual lease agreement so it was harder to evict
- they were very angry and broke everything in the building after they got Notice
- finally, they succeed and they moved out in May-Jun 2012 (3 units)
- technically, they were not able to get ready for inspections until after their eviction
- they lost a lot of money through that whole process

Ms. Shaff:

- these inspections were precipitated by regular referrals for exterior issues and for problem property issues
- the inspector saw numerous issues
- owners were very uncooperative in taking care of their issues or muddying the waters by saying that they had complied with HPC, when in fact, they had done nothing

Christine Boulware, Heritage Preservation Commission (HPC):

- Jul 2010 - she issued a Certificate of Approval for work to the exterior of the property (work on the front porch)
- it came up again in 2012 that the work they had been approved was not done correctly, so, it needed to be re-addressed to meet code
- at that time, as well, there was an older historic concrete barn structure in the back, which had been partially demolished without review or approval as causing a nuisance and was Ordered to be removed, as well as repairs to the front porch that were done incorrectly
- HPC staff has had to work with fire inspectors to gain compliance but also in a way that is sensitive to historic district guidelines
- historically, the property is not accessed from Maria; it's accessed from 5th Street

Ms. Oh:

- front porch: they hired a contractor to do the whole job but the height of the porch was actually changed; so, they were supposed to correct it
- they had another contractor for the garage removal but the zoning dept said they also had to install a parking lot; however, they don't have an easement with neighbor and without the access, they can't put in a parking lot; it's on hold

Ms. Shaff:

- this was approved with Corrections; the exterior issues are on-going
- Aug 17, 2012 letter talked about the east wooden staircase guardrails; handrails and the garage
- Inspector Westenhofer

Ms. Moermond:

- so the complaint initiated a Fire C of O inspection; there's a round of inspections and continual Orders; there's the need to work with HPC
- she is not hearing a reason to decrease the fee
- will recommend approval of the fees, as written
- City Council Public Hearing Mar 6, 2013

Referred to the City Council due back on 3/6/2013

Sponsors: Lantry

Delete the assessment. This was sent to Parks and not to Public Works to clean the illegal dumping in the right of way.

Referred to the City Council due back on 3/6/2013

- 31 [RLH TA 13-67](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No. 138301 at 2048 THIRD STREET EAST.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 3/6/2013

- 32 [RLH TA 13-52](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 852 TUSCARORA AVENUE.

Sponsors: Thune

Reduce the assessment from \$443.00 to \$221.50.

RE: 852 Tuscarora Ave (single family)

Francene Lee, owner, and Mark Rollstad appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued for exterior sanitation Oct 5, 2012; compliance date Oct 15, 2012*
- re-checked Oct 15, 2012*
- work done Oct 25, 2012 for a cost of \$288 + \$155 service chg = \$443*
- no returned mail*
- sent to Francene Lizette Young Lee, 852 Tuscarora Ave*
- note in bold letters: including and removing the the monitor, scrap wood and pile of carpet in the rear yard and by the garage*

Ms. Lee:

- appealing because they didn't receive notice about this particular incident; they had gotten a previous notice mailed to them regarding a vehicle parked outside their garage, which they complied with (moved the vehicle)*

VIDEO

Ms. Lee:

- during the shooting of that VIDEO, she was home, came out of the French door and asked, "What are you guys doing?" also, "I never received a notice; who do I call?"*
- someone gave her a phone number; she called and left a message; no one called me back (she was upset and perhaps, she left the wrong phone number)*
- it had been on their list of "things to do"*

Ms. Moermond:

- the Orders are issued a week apart: 1) Sep 28, 2012 for the vehicles; and 2) Oct 5, 2012 for the junk (they received the vehicle one and took care of it; had they received a notice about the piles, they would have taken care of it right away)*

Ms. Seeley:

- they also have an Excessive Consumption fee (also mailed Oct 5, 2012)
- will recommend the Ex Con assessment be deleted

Ms. Moermond:

- asked if there was someone else at the house who might be opening the mail

Mr. Rollstad:

- there is no one else at the house; we take care of notices right away
- they are wondering what's going on - according to the city, 2 mailings were sent which they did not receive

Ms. Moermond:

- will recommend the Ex Con fee be deleted
- will recommend today's assessment be decreased by half

Referred to the City Council due back on 3/6/2013

- 33** [RLH TA 13-53](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No. 138301 at 432 WHEELER STREET NORTH.

Sponsors: Stark

No show; approve the assessment.

Referred to the City Council due back on 3/6/2013

- 34** [RLH TA 13-54](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No. 138301 at 155 WILSHIRE PLACE.

Sponsors: Lantry

Delete the assessment. Inspector error, no orders issued and not sure why EC sent. No history on property either.

Referred to the City Council due back on 3/6/2013

- 35** [RLH TA 13-77](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1304, Assessment No. 138203 at 1318 BUSH AVENUE.

Sponsors: Lantry

Reduce the assessment.

The bill was sent to the incorrect party, although DSI was aware of the ownership change. Therefore, the administrative fee should be deleted. Also, the assessment included charges for 2 no show inspections, which are not assessable.

RE: 1318 Bush Ave (single family)

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

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy fee: \$575
- inspection appointments: 2-14-12, 3-27-12, 5-24-12, 6-15-12 and approved 7-30-12
- billing dates: 7-31-12, 8-30-12
- sent to: Der V Yang and Cy Shia Yang, Woodcrest Dr, Woodbury, MN

Mr. Thao:

- during the dates of those appointments, he did not own the property
- he purchased the property Jul 9, 2012 so, he did not receive any of these Notices
- the first Notice he received was the Correction Notice dated Jul 30, 2012

Ms. Moermond:

- the person from whom Mr. Thao bought the house is morally responsible to pay those fees; however, those fees are attached to the property; they are not attached to an individual
- is inclined to recommend approval because of that
- suggested that he go to the previous owner or the title insurance company to seek recompense

Mr. Thao:

- he is not happy about paying the fees
- they looked at the records before they closed on the property and there were no fees attached

Ms. Moermond:

- it is incumbent upon the seller to disclose to the buyer any outstanding Orders and bills
- the taxpayers of the city are not responsible for the inspection fees of the previous owner
- she can provide documentation of the different inspections, appointment letter notifications, names of the different owners for Mr. Thao to bring to the title company, which can be of assistance is seeking that money from them
- City Council Public Hearing Mar 6, 2013

Referred to the City Council due back on 3/6/2013

36

[RLH TA 13-76](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 1845 HAWTHORNE AVENUE EAST.

Sponsors: Bostrom

Approve the assessment.

RE: 1835 Hawthorne Ave E (single family)

Jonah Stomberg, representing the owner, appeared. (owners are out of state)

Inspector Joel Essling:

- Summary Abatement Order issued Oct 4, 2012; compliance Oct 10, 2012 for exterior sanitation
- re-checked Oct 16, 2012; at that time, a \$50 Excessive Consumption fee was assessed
- re-checked again Oct 22, 2012
- work done Oct 24, 2012 for a cost of \$374 + \$155 service charge = \$529
- also, the Excessive Consumption fee of \$85
- mailed to Ryan and Laura Aylesworth, PO Box 610, Lee, MA

Mr. Stomberg:

- is sure there was stuff; they had some very destructive tenants, unfortunately

VIDEO

Mr. Stomberg:

- during a period of 6 months with this tenant, they had numerous issues

- owners live out of state, so they weren't given timely Notices
- the tenant was also receiving Notices but it didn't help
- they finally were able to evict the tenant and they hired multiple contractors; they were also working with the police dept - go after legal damages
- he entered copies of their receipts for repairs; and invoices dated Nov 13 and Nov 21 for work done in Oct

Ms. Moermond:

- the invoices do not include the actual work dates, only the invoice date

Mr. Stomberg:

- could get the dates of the work; he hasn't had much time to gather information; the owners called him last night
- they have been trying to keep the house in good repair; will be able to sell it now
- have worked hard with the city to evict the tenant
- owners did not get notices in a timely fashion

Ms. Moermond:

- original notice went out Oct 24, 2012; it was 20 days later when the city did the clean-up; so, even if there was a late notification, in this case, there was plenty of time to do the work
- saw on the VIDEO the exact items as described in the Order
- will recommend approval of this assessment

Referred to the City Council due back on 3/6/2013

37

[RLH TA 13-74](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 997 FARRINGTON STREET.

Sponsors: Brendmoen

Approve the assessment.

RE: 997 Farrington (duplex)

Brian Kraut, works for JTO Minnesota Holdings, owner.

Inspector Joe Yannarely:

- garbage, rubbish clean-up
- Summary Abatement issued Oct 23, 2012; compliance Oct 29, 2012
- work done Oct 30, 2012 for a cost of \$260 + \$84 yardage + \$155 service charge = \$499
- mailed to JTO Minnesota Holdings, LLC Wayzata

Viewed VIDEO - discarded furniture, debris and brush

Mr. Kraut:

- JTO Holdings is not telling him about any or all of these assessments
- he has been working with the insurance company to get in to start the process of occupancy
- he would like to know what other assessments are out there
- recently, they had a break-in to steal copper and plumbing; is waiting for an insurance assessor to come out
- property is boarded up
- asked for copies of all paperwork
- they seem to neglect this company; they put their son onto this, however, he has neglected his responsibility after I showed him how to do it; at one time, all these

houses were vacant, Mr. Kraut got them all rented
 - he wants to get these houses to a point where they can be sold; however, JTO is allowing them to go into the foreclosure status; they have drawn out all the equity; they are allowing their investors to lose their money
 - will be meeting with JTO today to discuss business

Ms. Moermond:

- let's provide Mr. Kraut with a Vacant Building registration form
 - it is completely the responsibility of the property owner to take care of the property; they city should not have to issue Orders to have them taken care of but at the end of the day, it's not the city's taxpayers responsibility to take care of this
 - Mr. Kraut's relationship with JTO is private and would not change how the city treats this
 - take up these things in your meeting with JTO today
 - will recommend this assessment be approved
 - a bill for the \$499 will be coming
 - contact Matt Dornfeld, Vacant Building inspector at 266-1902
 - City Council Public Hearing Mar 6, 2013
 - a boarding assessment is outstanding (LH Feb 5, 2013) and VB assessment is due now

Referred to the City Council due back on 3/6/2013

38

[RLH TA 13-14](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1302B, Assessment No. 138807 at 1161 NORTON STREET. (Laid over from January 2, 2013)

Sponsors: Brendmoen

To be laid over to City Council Public Hearing May 1, 2013. If rehab is finalized, will reduce the assessment in from \$1250 to \$625.00.

RE: 1161 Norton St (duplex)

Raymond F. Vorderbruggen, responsible party, appeared.

Inspector Joe Yannarely:

- Category 2 Vacant Building file opened Jul 5, 2011
 - this month, the code compliance inspection fee has been paid; pending report

Mr. Vorderbruggen:

- have owned it for quite a while
 - a few years ago, he replaced the 2 furnaces; the permit did not go through because he bought the property Contract for Deed from Stephen Standish, who's name is still on it; therefore, they would not issue the permit; he just found that out last month when he went down to order a code compliance inspection; he had to contact the original owner and get his name off the property; then, they would issue the permit; apparently, the won't give a permit to someone who bought Contract for Deed; the furnace company charge him for the permit but they didn't take out the permit
 - he has been picking away at the rehab
 - will probably be finished with the rehab in about 2 months
 - asking for an extension

Ms. Moermond:

- will recommend that City Council lay this over for 3 months; if Appellant is done in 2 month, she will recommend cutting the fee in half
 - at City Council Public Hearing Feb 6, 2013, she will lay it over to May 1, 2013 City

Council Public Hearing

- on May 1, 2013, she will ask the Council to cut the fee in half if Appellant is finished with the project or approve the fee if he is not finished

Referred to the City Council due back on 2/6/2013

- 39** [RLH TA 13-75](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 1011 VICTORIA STREET NORTH.

Sponsors: Brendmoen

Approve the assessment.

RE: 1011 Victoria St N (single family)

Gary Walker, father of Tim Walker, owner, appeared.

Inspector Joe Yannarely:

- *clean-up*
- *Summary Abatement issued Oct 15, 2012; compliance date Oct 19, 2012*
- *work done Oct 22, 2012 for a cost of \$316 + \$155 service charge = \$471*
- *sent to Tim Walker, PO box, Tucson AZ*
- *anniversary date for VB: Feb 13*

Viewed VIDEO (bags in yard)

Mr. Walker:

- *didn't get Notice but his son may have and didn't let him know*
- *several of those bags were compost; is he not allowed to have some bags of compost near his house?*
- *the buckets were full of stones that he was going to put in the landscaping this past fall; unfortunately, he was not able to work*
- *other stuff - they were just unable to move it*
- *doesn't understand why the cost is so high for what was there*
- *they are just about finished with the house*

Ms. Moermond:

- *suggested he provide his contact information so that he can get Notice and deal with things directly*
- *asked that he also fill out the Vacant Building Registration form*
- *there's no way of knowing what's in black plastic bags and that's not proper storage of compost*
- *the city did the work and there was proper notification; it went to the owner*
- *will recommend approval of this assessment*
- *if the rehab work is done in a timely fashion, she can look at the VB fee and its possible reduction or deletion*

Referred to the City Council due back on 3/6/2013

- 40** [RLH AR 12-141](#) Ratifying Excessive Use of Inspection services billed July 20 to August 30, 2012. (File No. J1302E, Asmt No. 138301)

Sponsors: Lantry

Referred to the City Council due back on 3/6/2013

- 41 [RLH AR
12-142](#) Ratifying Collection of Certificate of Occupancy fees billed July 31 to August 28, 2012. (File No. CRT1304, Asmt No. 138203)

 Sponsors: Lantry

 Referred to the City Council due back on 3/6/2013
- 42 [RLH AR
12-143](#) Ratifying Demolition services from September 2012 at 1067 Van Dyke St. (File No. J1304C, Asmt No. 132003)

 Sponsors: Lantry

 Referred to the City Council due back on 3/6/2013
- 43 [RLH AR
12-144](#) Ratifying Tree Removal services from October 2012. (File No. 1303T, Asmt No. 139002)

 Sponsors: Lantry

 Referred to the City Council due back on 3/6/2013
- 44 [RLH AR
12-145](#) Ratifying Property Clean Up services during October 2012. (File No. J1304A, Asmt No. 138503)

 Sponsors: Lantry

 Referred to the City Council due back on 2/6/2013
- 45 [RLH AR
12-146](#) Ratifying Trash Hauling services during October 2012. (File No. J1304G, Asmt No. 138703)

 Sponsors: Lantry

 Referred to the City Council due back on 3/6/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 46 [RLH SAO
13-2](#) Appeal of Scott Hamilton to a Vehicle Abatement Order at 1507 CHELMSFORD STREET.

 Sponsors: Stark

 Grant until April 15, 2013 for compliance on the vehicle issue.

 RE: 1507 Chelmsford St (single family)

 Scott R. Hamilton, owner, appeared.

 Inspector Joel Essling:
 - this is for an abandoned vehicle
 - complaint received Jan 2, 2013
 - inspection done Jan 4, 2013: found vehicle parked in the rear of the property with

license plates dated Mar 1991

- *vehicle was covered with a tarp and sunk into the ground; appeared to have been there for quite a while*
- *expired tabs and appears to be inoperable*
- *Order mailed Jan 7, 2013; compliance date Jan 16, 2013 - some extra time was given because it appeared that it was going to be difficult to get that vehicle out of there*

Mr. Hamilton:

- *took delivery of that car in 1984; the engine died and they decided to restore it*
- *it's been in various storage locations*
- *his son will turn 16 this month; then, it will be a re-restoring project for him and his son*
- *had to fly to Houston, TX on Jan 10, where his mom is in an isolation ward in a cancer center and he wasn't sure when he'd be back*
- *ideally, he'd like to keep this car where he has it and re-restore it with his son*
- *the vehicle has been there for a very long time and it hasn't been a problem*
- *he leads the hockey team and has a skating rink in his backyard; last year, on Martin Luther King Holiday, the neighbor who issued this complaint, called the police on 8 and 9 year old kids playing hockey on his ice rink; they have made it clear that they don't like the hockey rink; they called the cops again and also made a comment to another neighbor that, "If I can do it 3 times, there's will be a problem household;" he's concerned that those neighbors are going to look for whatever little tick-tac thing to call a complaint into the city*
- *would like an extension to when the ground is thawed*

Ms. Moermond:

- *the vehicle can't stay where it is indefinitely*
- *it's probably iced-in now*
- *will grant an extension to Apr 15, 2013*
- *then, put it into the garage where you can re-restore it*
- *because, in order for it to be stored outside, it needs to have all of its parts, be operable and have current tabs*

Mr. Essling:

- *regarding Excessive Consumption: if there are 3 verified violations within a 12-month period, you will get an Excessive Consumption fee, which has gone up to \$120; there's no violation relating to a hockey rink and police calls don't count toward these fees*

Referred to the City Council due back on 2/6/2013

47

[RLH SAO
13-3](#)

Appeal of Han-San Lee to a Summary Abatement Order at 1266 SAINT PAUL AVENUE.

Sponsors: Tolbert

Owner withdrew the appeal because owner is in compliance.

Withdrawn

Correction Orders

48

[RLH CO
13-14](#)

Appeal of Carol L. Farr to a Correction Notice at 549 NEVADA AVENUE EAST.

Sponsors: Brendmoen

Grant until May 1, 2013 for the exterior items, door and window panes, to come into compliance. As to the interior items (ceiling and light fixtures), owner will need to disclose to buyer upon sale of the property.

RE: 549 Nevada Ave E (single family)

Carol Farr, personal representative and Catherine St. George, one of the heirs to the estate, appeared.

Inspector Paula Seeley:

- received a complaint 10-11-2012 about junk in the yard and driveway; and too many people living in the house; property owner died - possible squatters; possible interior clutter*
- Oct 12, 2012 - she went out with Officer Keenan and found debris, junk all over; they checked for stolen goods; they entered the house and the interior was cluttered but the violations were quite minor; there were no life-safety issues in there*
- first set of Orders Oct 23, 2012: light fixture in NE bedroom was hanging; needs replacement; broken cracked window on N side of the house; remove all excessive clutter in the living and dining rooms; 2nd floor door on the W side of the house needs to be properly sealed off or steps built, under permit; remove extension cords; ceiling defects*
- sent Orders on interior and a Summary Abatement on the exterior of the property Oct 12, 2012 to Occupant*
- found out that Carol Farr was now the personal representative (from people who were living in the house)*
- owner Nancy Benedum is deceased but she allowed these folks to live there with her; unfortunately, when she died, they remained in the house*
- Oct 23, 2012 - she inspected interior with tenant and police again; she was getting calls from Carol quite often; house was still cluttered with minor violations; the yard was cleaner; she told the tenant that she'd be back on Fri*
- she did not go back there for a while because the police were doing surveillance; SPPD asked her not to come back there for a while*
- she told Ms. Farr that she needed to go through the legal channels to evict the people - file an Unlawful Detainer to get them out of the property*
- she told Ms. Farr that the city's clean-up cost would be expensive*
- she tried to Condemn the house but there were not enough violations in order to Condemn it*
- finally, on Jan 4, 2013, she sent out the Work Order (Ms. Farr had said that would be fine when Ms. Seeley spoke with her the previous day)*
- Ms. Farr called a day later and asked for another extension, which Ms. Seeley did not grant*
- she sent out a 2nd set of Orders Jan 9, 2013 with the same violations, assuming the clutter was gone and the people living there were also gone*
- there are 3-4 things that need to be done; she gave Ms. Farr until Feb 28, 2013*

Ms. Farr:

- Nancy Benedum died Jun 30, 2012*
- these people were not tenants; they moved in after Ms. Benedum went into the hospital; Ms. Benedum signed an affidavit to that effect; after Nancy died, Ms. Farr was unable to get the people out of the house*
- her frustration has been that these were trespassers and the law isn't for her; there's a loophole that trespassers have*
- she was hoping that Inspector Seeley would be able to Condemn the house*
- the trash inside the entry was 3-feet high and she could not get in; nothing had been cleaned in this house for a very long time; and there was trash everywhere outside,*

as well

- she assumed that Ms. Seeley would Condemn the house but she didn't do it
- those people were thieves: most people don't have 2-3 snowblowers, all the same model; also, a lot of property inside the house had the potential of being stolen
- the light fixture in the NE bedroom doesn't look real good but it's not a health hazard
- the storm windows may need to be washed in the spring but they are definitely not in disrepair
- the 2nd floor door: had a previous WO on that and the Orders said, "You can either block the door or put steps" - the trespassers screwed in a 2x4 so the door would not open; now, the Correction Order is asking for stairs (there were never stairs there; there was a tiny balcony but it fell down long ago - Catherine can attest to that)
- there was a hole in the ceiling, which they patched, not very well but it's not dangerous; the rest of the ceilings in the house are in pretty good shape
- it's her job to collect the assets of the estate for the heirs: 1) this house; and 2) a car that the trespassers stole
- they totally destroyed the kitchen - cabinets are gone; the sink has been hit with a sledge hammer; range is gone
- she is appealing the Correction Notice because these things are not sufficiently bad
- house is empty now
- the estate and heirs don't have the money to fix this house back to where it was before the trespassers moved in
- currently, she has 2 offers from 2 investors
- there's 1 window on the E side of living room where they stole the air conditioner that needs repair

Ms. Seeley:

- there's broken windows - jagged glass on N window
- the door issue needs attention
- ceilings need work where there's water damage

Ms. Moermond:

- looking at photos of 2nd floor door; there's a scar on the exterior where the balcony was ripped off (bad shape)

Ms. St. George:

- she lived in that house for 2 1/2 years; there was only a little deck out that door
- I loved that house and they completely demolished it

Ms. Moermond:

- if the property is going to be sold, it needs a Truth in Sale of Housing Inspection Report; you aren't allowed to market a house without that
- she is less concerned about timing on the interior than the exterior
- the board screwed over the door really isn't sufficient to block that entrance, in her view
- if it becomes a rental, it will need a fire inspection and that door is a problem under the Fire Code
- have to deal with the window panes that are cracked and broken - repair and replace
- the door needs to be properly sealed-off: put in a window (safety glass and permit) or fill it in or just re-install that little balcony
- grant an extension to May 1, 2013 to repair/replace exterior items
- the interior items need to be disclosed to purchaser

Referred to the City Council due back on 2/6/2013

1:30 p.m. Hearings

Correction Orders

49 [RLH FCO 13-34](#) Appeal of Lawrence Abdo to a Correction Notice at 1813 DAYTON AVENUE.

Sponsors: Stark

Grant until October 1, 2013 to repair or replace the roof on the house.

RE: 1813 Dayton Ave (duplex)

Lawrence Abdo, owner, appeared along with his son-in-law, Attorney Bill Sheehan

Fire Inspector A. J. Neis:

- this is a referral that refers to a Correction Notice*
- compliant inspection conducted Dec 28, 2012 by Fire Inspector Michael Urmann; (a general Order for a follow-up inspection to a C of O that had been previously approved)*
- in other words, there's "a straggler"- one item that was not finished at the time of approving the C of O*
- an appeal was heard on this in Jun 24, 2011; Ms. Moermond had recommended an extension to Aug 11, 2011 to repair the roof, soffit and fascia*
- the work had not been completed by Aug 11, 2011 and the inspector neglected to take proper enforcement action at that time; he should have issued either a Revocation of the Fire C of O or a Criminal Citation; additional time was granted*
- another C of O cycle went through and the owner had obtained a permit to repair the roofs on the garage and house in Sep 2012; that permit was finalized Sep 20, 2012 but it was only partially completed*
- inspector drove by Dec 28, 2012 to verify the completed work; there is a new roof on the front portion of the house and on the garage; however, the rest of the house still has curled and deteriorated shingles (photos taken Jan 10, 2013)*
- a re-inspection is supposed to be conducted on or after Jan 28, 2013*
- permit pulled in Aug 9, 2011 for soffit, fascia, trim, gutters, storm door and window (appears to be done and in good shape)*
- permit pulled in Sep 2012 for 2-car garage repair and re-roof 10 squares on front of house; inspector finalized only part of it Dec 12, 2012*

Mr. Abdo:

- they did substantial repairs to the house both last year and the year before; you can't just go in and re-build the house at one time, economically*
- he's not objecting to having the roof done; they just can't do it in winter*
- the roof is fine; there no leakage; there's no water damage; it just doesn't look fine; the inspector has been in the attic*
- he is asking for an extension because he can't do it in winter (why do the Orders say that it must be done immediately?)*
- the roof is very peaked; it will cost about \$10,000 to do it*
- many smaller contractors said they just wouldn't do it; a very large contractor bid it at nearly \$10,000*
- the boards on the roof of the garage were deteriorating, so they took it all off and replaced it*

Mr. Neis:

- this Order was in error; their office will be amending it to read "repair or replace the roof"*
- the soffit and fascia, etc. have been corrected and should be taken out*

Ms. Moermond:

- will recommend granting an extension to Oct 1, 2013 to repair/replace the roof

Referred to the City Council due back on 2/6/2013

50 [RLH FCO
13-35](#)

Appeal of Gregory Stock to a Fire Inspection Correction Notice at 735 JESSIE STREET.

Sponsors: Brendmoen

Grant a variance on the ceiling height in the lower unit, southwest basement bedroom and deny a variance in the lower unit east basement bedroom.

RE: 735 Jessie St (duplex)

Gregory Stock, owner, appeared.

Fire Inspector A. J. Neis:

- received a phone call from Mr. Stock in Dec 2012, requesting a Certificate of Occupancy inspection be completed ASAP due to a Section 8 inspection that was recently conducted in which they wrote up the basement ceiling height bedrooms

- this was a Category 2 Vacant Building in 2006 which received a full Code Compliance inspection which was finalized and approved Apr 19, 2007

- Inspector Sean Westenhofer went out to the property and took some measurements and conducted the Fire C of O inspection Jan 3, 2013

- east basement bedroom ceiling height: 6 ft. 3 in. (code requires at least 7 ft over half the room area)

- southwest basement bedroom ceiling height: 6 ft. 7 in.

Mr. Stock:

- it's an up-down duplex built in 1989 in exceptional condition

- asked if the hearing officer would consider the space between the joists which is about 6 in. higher

Mr. Neis:

- their office does not consider the space between the joists; they consider the finished space which would be at the bottom of the joists

Ms. Moermond:

- will recommend a 5 inch variance for the SW bedroom but will not recommend a variance for the E bedroom

- the east bedroom cannot be used for sleeping; it can still be used for storage, etc.

Referred to the City Council due back on 2/6/2013

Fire Certificates of Occupancy

51 [RLH FCO
12-651](#)

Appeal of Andrew Songle to a Fire Certificate of Occupancy Correction Notice at 1936 CARROLL AVENUE.

Sponsors: Stark

Grant the appeal.

RE: 1936 Carroll Ave (duplex)

Andrew Songle, owner, appeared.

Mr. Songle:

- entered the cleared check Ms. Moermond asked to see
- he was never notified; he was not in the Program
- he had all of his materials in; he can show leases of students back 8 years

Ms. Moermond:

- back in 2007, there was a Notification that went out about whether or not you should be in the Fire Certificate of Occupancy Program and it was determined at that time, that the building was owner-occupied; and it was owner-occupied up until the fall of 2011, at which time, the Appellant didn't get a Fire C of O inspection in spite of the fact that it was being used as rental (was no longer owner-occupied); later, on Jun 27, 2012, he needed to have a Fire C of O inspection and he did not; instead, he applied for it in Aug 2012, which is passed the deadline for the early registration
- Appellant's appeal is correctly directed to the Board of Zoning Appeals (BZA)
- Appellant can bring his question to the City Council at a Public Hearing Feb 6, 2013 at 5:30 p.m.
- next stop is City Council; after that is the BZA

Ms. Moermond at LH Jan 22, 2013 during the hearing for 2151-2153 Dayton Ave:

- took some time to re-read the code and said she was inclined to agree with Mr. Nichols
- after checking with the City Attorney, she told Mr. Nichols that he was absolutely right
- the City Attorney's office is comfortable with the decision being made here in LH rather than BZA
- this appeal for 2151-2153 Dayton Ave is granted along with the appeals for 2218-2220 Dayton Ave and 1936 Carroll Ave

Referred to the City Council due back on 2/6/2013

52 [RLH FCO
12-657](#)

Appeal of Brian D. Alton, Attorney for William R. Nichols, to a Notice of Incomplete Student Housing Registration Application at 2151-2153 DAYTON AVENUE.

Sponsors: Stark

Grant the appeal.

RE: 2151-2153 Dayton Ave (duplex)

William R. Nichols, Pro Mark Property Services LLC, owner, appeared (Brian Alton is out of town).

Ms. Moermond:

- at the end of the last hearing, she was quite convinced that this wouldn't qualify as having been registered on Jun 27, 2012
- read from the code: "the owners of an existing building, possessing either a valid Certificate of Occupancy or Provisional Certificate of Occupancy at any time within an 18-month period immediately preceding the effective date of this article..... "

Mr. Nichols:

- the Ordinance was adopted on Jun 27, 2012 and 30 days following the adoption was the publication date, Aug 8 or 9, 2013, the effective date of the Ordinance, not the adoptive date

Ms. Moermond:

- took some time to re-read the code and said she was inclined to agree with Mr. Nichols
- after checking with the City Attorney, she told Mr. Nichols that he was absolutely right
- the City Attorney's office is comfortable with the decision being made here in LH rather than BZA
- this appeal for 2151-2153 Dayton Ave is granted along with the appeals for 2218-2220 Dayton Ave and 1936 Carroll Ave

Referred to the City Council due back on 2/6/2013

Window Variances: Hearing Required

2:30 p.m. Hearings

Vacant Building Registrations

- 53 [RLH VBR](#)
[13-5](#) Appeal of Stephen A. Markoe to a Vacant Building Registration Requirement at 652 THOMAS AVENUE.

Sponsors: Carter III

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 1/29/2013

- 54 [RLH VBR](#)
[13-6](#) Appeal of Song Vang to a Vacant Building Registration Requirement at 1133 RICE STREET.

Sponsors: Brendmoen

Need status on the severity of the violation. Owner cannot occupy the house until the C of O is reinstated. (Hold off for one week for VB file to be closed.)

RE: 1133 Rice St (General Retail & Svc - B - Commercial)

Song Vang, owner, appeared along with his brother.

Inspector Rich Singerhouse:

- received a referral from the Certificate of Occupancy Program
- Inspector Mike Kalis opened a Category 2 Vacant Building file Jan 4, 2013 (Revocation); he was unable to gain entry

Mr. Vang:

- he had no knowledge about the tenants not allowing the inspector entry
- the tenant will be out at the end of the month; he is looking for a new tenant

Ms. Moermond:

- the inspector does need to get inside the building to have the inspection done, which will provide a lot of information

Mr. Neis:

- the Orders were sent to Nikia Pao and Sao Tri Vang at 2271 Snowshoe Lane E, Maplewood (tenant)

- the owner should be receiving Notice, not the tenant
- currently, there is no delay in commercial inspections

Ms. Moermond:

- the C of O must be re-instated before the building can be occupied by a new tenant
- asked Mr. Vang to contact the inspector to do a full inspection as soon as possible
- asked Mr. Neis to report back in a week
- wants to see, at least, the difficult items addressed before it can be re-occupied
- she will look at the Orders in a week
- no new tenants until the hearing officer OKs it

Laid Over to the Legislative Hearings due back on 1/29/2013