



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
Mary Erickson, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8560

Tuesday, July 3, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA
12-250](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1206A, Assessment No. 128818 at 1072 MINNEHAHA AVENUE EAST. (To be referred back to Legislative Hearing on July 3, 2012 and City Council public hearing on July 18, 2012)

Sponsors: Lantry

Owner received Certificate of Code Compliance on June 18, 2012. Ms. Moermond will recommend reducing the assessment from \$1,250 to \$625.00.

Referred to the City Council due back on 7/18/2012
- 2 [RLH TA
12-299](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1207, Assessment No. 128807 at 827 AURORA AVENUE.

Sponsors: Carter III

Owner is not in compliance. Ms. Moermond recommends approving the assessment.

Referred to the City Council due back on 7/18/2012
- 3 [RLH TA
12-353](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209P, Assessment No.128408 at 1910 &1930 BURNS AVENUE.

Sponsors: Lantry

Delete the assessment. Allied Waste is responsible.

Referred to the City Council due back on 8/15/2012
- 4 **RLH TA
12-363** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No. 128518 at 1020 CARROLL AVENUE.

Sponsors: Carter III

No show; approve the assessment.

Referred to the City Council due back on 8/15/2012

**5 RLH TA
12-364**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No. 128518 at 1022 CARROLL AVENUE.

Sponsors: Carter III

No show; approve the assessment.

Referred to the City Council due back on 8/15/2012

**6 RLH TA
12-367**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1209, Assessment No. 128211 at 308 CLARENCE STREET.

Sponsors: Lantry

Reduce the assessment from \$490 to \$330.00.

RE: 308 Clarence St (single family)

Doug Remly, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Inspection for a cost of \$340 + \$150 service charge = \$490*
- Orders dated Aug 8, 2011; Oct 4, 2011; Oct 28, 2011*
- billing date Feb 2, 2012 and Mar 5, 2012*
- sent to the responsible party/owner, Doug Remly, Minneapolis*
- she is recommending that 1 of the re-inspection fees be deleted as it was just waiting for paperwork (from \$490 to \$405)*

Mr. Remly:

- the first invoice was for \$490 for the inspection of the furnace; he had the furnace work done for \$500 but he wasn't from the city of Saint Paul so, he had to get another guy from Saint Paul to do that work; so, they sent me a \$490 bill for the inspection of the furnace*
- he got the inspection for the furnace all signed-off; he doesn't think he should have to pay the \$490 for the furnace inspection*
- he tried to complete everything he could on the 29-item list*
- he told the inspectors that he was going in for hip surgery (Feb 2012)*

Ms. Moermond:

- explained that the \$490 bill, which is going down to \$405 isn't for the furnace inspection; it's for the Fire Certificate of Occupancy Inspection conducted by the fire inspectors*
- the inspections Mr. Remly is being billed for are from Aug 8, 2011, Oct 4, 2011 and Oct 28, 2011*
- Fire does agree that the permit situation should decrease Mr. Remly's re-inspection fees by 1, which would be \$85*

Mr. Remly:

- he has paid for the fees to the City of Saint Paul every year and they finally came out this year and found a whole bunch of things that he was trying to do; and since he was using a cane, he doesn't think they gave him enough time*

Ms. Moermond:

- asked Appellant why he didn't pay the bill earlier (Feb and Mar 2012) and chose to come to this hearing

Mr. Remly:

- he had called Inspector Wayne Spiering and told him that he didn't think that the \$490 for the furnace inspection was appropriate; it was too much to pay; he's barely making his mortgage (building is valued at \$84,000; he owes \$130,000); he's looking into short sales and other alternatives

Ms. Moermond:

- will recommend the administrative service charge be deleted because he called the inspector to say that he wanted to appeal this
 - Ms. Shaff disputes Mr. Remly's calling Inspector Spiering because there's no note in the file (Appellant said he called Mr. Spiering a number of times)
 - 2 months after the initial inspection, Mr. Remly got the list down to 11 items; the 3rd time, he got it down to 1 (which they deleted)
 - back-tracked and said she will recommend cutting the admin fee in half instead
 - assessment will be reduced from \$405 to \$330

Referred to the City Council due back on 8/15/2012

**7 RLH TA
12-366**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209P, Assessment No. 128408 at 740 CLEVELAND AVENUE SOUTH.

Sponsors: Tolbert

Delete the assessment, waiver on file.

Referred to the City Council due back on 8/15/2012

**8 RLH TA
12-344**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1209T, Assessment No. 129011 at 6 ELIZABETH STREET WEST.

Sponsors: Thune

Approve the assessment and spread the payments over 10 years.

RE: 6 Elizabeth St W (duplex)

Patrick McKenna, owner, appeared.

Karl Mueller, Forestry:

- tree removal
 - 39-inch dangerous box elder on the property line with 639 Humboldt Ave
 - photos: 2 dead limbs leaning over the neighbor's garage; anonymous complaint
 - estimates the tree was between 20% - 30% dead
 - Mr. McKenna's cost is \$424.83 + service charge of \$126.39 = \$551.22
 - Orders dated Feb 16, 2012; compliance date Feb 27, 2012; re-checked Mar 8, 2012
 - tree removed Mar 14, 2012
 - total cost split between both addresses

Mr. McKenna:

- 1) those branches were not dead - hard to tell because it was winter; during spring, summer and fall, there were leaves on those branches; he disputes dead branches over the neighbor's garage

- 2) another gentleman, an arborist older than Mr. Mueller, who came out originally and asked if he could access his property to look at the tree. Mr. McKenna said OK and he went out to talk with him and asked him what this was all about. The gentleman said that the neighbor had called in and complained and asked that the tree be removed.

- the tree was a good tree that provided a lot of necessary shade because it was on the south end of both his and his neighbor's properties; they didn't want it taken down. The house next door to him (referring to here) was vacant and had been vacant for about 2 months because it's a rental property. Coincidentally, the owner, Mr. Roger Hodge, lives right across the alley from the city-owned property on Humboldt on Hall. He entered a letter from him simply stating that he did not call nor request that the tree be taken down. He was mis-informed that the neighbor had called and asked that this tree be taken down.

- when Mr. Mueller came out with the tree company to remove the tree, they discovered that they couldn't take it down from the city property because of power lines, etc., so he did grant them access to his property to take it down without charging a fee or making an issue out of it. He asked Mr. Mueller who had really called and he said that he didn't know but he would check; he called back the next day and said that it was an anonymous call. A short time before this all took place, they came out and surveyed the property; they're rehabbing this property in conjunction with some people at the high school. It became obvious to him that someone from that city department wanted that tree gone as part of that rehab. It's almost like a con and he feels that he shouldn't have to pay for any of this under those conditions. I has worked very hard to get that house and keep it. They have had their issues and they got behind on their payments early in this century and could find no help at all but they managed to get everything back on line. In addition to that, recently, his wife lost her job; he is 70 years old and can't get a job. So, there's a hardship aspect here, too. Under the circumstances, he and his wife feel that they shouldn't have to pay for any of this. If the city wanted this tree down as part of the rehabbing of it, they should have told him about it honestly, in the first and not put him in this position, to begin with. He has talked with his attorney about it and is hoping that he won't have to do anything else. He asks that this assessment be abated under these terms and conditions.

Inspector Joel Essling:

- there's no indication that the city had any ownership in it; it was a VB from Nov 2008 through Apr 2009

Ms. Moermond:

- thinks that maybe, the Neighborhood Development Alliance owns it (a West Side nonprofit)
- the issue at hand is whether or not this was a dangerous tree
- this tree was on Mr. McKenna's property and he was properly notified
- it does not matter 1 iota who called it in
- Forestry determined that this tree was a shared responsibility between the owner of 639 Humboldt and Mr. McKenna so, they split the assessment fee in half

Mr. McKenna:

- he called the Neighborhood Development people and they indicated that it was actually owned by the city, not by them; they were in the process of working with the city to rehab it; they had to come up with the money to get a contractor in there to partially demo it first before they brought in the high school kids
- the first letter from the city on this was sent Feb 11, 2012 in which they said he was responsible for the whole cost. He called them and complained and then they sent him a letter on Feb 16, 2012 saying he was only half responsible
- he wants the whole assessment gone because he feels that this is not his

responsibility

- when he got the letter for this hearing, he called in and no one called him back about it
- he feels that he should not be responsible for paying these fees because 1) it wasn't properly done in the first place; and 2) it wasn't requested by anyone who would be affected by the tree (the neighbor or himself)

Mr. Mueller:

- was the initial inspector on the tree and he had the Forestry Supervisor, Scott Kruse, go to inspect the tree, also; he determined it dangerous and should come down

Mr. McKenna:

- this is not fair
- both he and his wife are out of work; there's a hardship issue here, too
- he has other options, though

Ms. Moermond:

- Mr. McKenna did received proper notification that this was a problem
- Mr. McKenna did not appeal that Order within 10 days to Parks and Rec (Mr. McKenna didn't know how to handle it at the time; he was having a hard time getting in touch with his neighbor; he did call to find out how to go about that but he didn't talk to anyone except an operator)
- she cannot look at who called it in and she is shocked that someone from the city would have represented anything to Mr. McKenna about who called it in; it's about whether or not those conditions exist
- 2 different Forestry people say that those limbs were dead and in danger of falling onto that garage (photos show)
- his family has a hardship covering this assessment
- she has 2 different options: 1) a Disability / Seniors Deferment (Real Estate Office has forms), which would defer the assessment up to 10 years or the point of sale; or 2) to split the assessment over 10 years (put incrementally onto the taxes)
- she will recommend approving the assessment payable over 10 years
- City Council Public Hearing Aug 15, 2012
- then, District Court (there's a description of how to go about that on the back of your hearing letter)

Mr. McKenna:

- he will definitely be at the City Council Public Hearing

Referred to the City Council due back on 8/15/2012

9 [RLH TA
12-345](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No. 128518 at 661 GERANIUM AVENUE EAST.

Sponsors: Bostrom

Rescheduled per owner's request

Laid Over to the Legislative Hearings due back on 7/17/2012

10 **RLH TA
12-350**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1209, Assessment No. 128211 at 772 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Approve the assessment.

RE: 772 Maryland Ave E (single family)

Kao Yang, owner, appeared.

Fire Inspector Sean Westenhofer:

- Fire Certificate of Occupancy Inspection for a cost of \$170 + \$150 service charge = \$320*
- Orders dated Jan 4, 2012;*
- Billing dates: Feb 13 and Mar 14, 2012*
- sent to responsible party and owner*
- he did try to call and talk with Mr. Yang to explain the fees but he had to leave a message with someone on the other end and he never got a call back*

Ms. Moermond:

- looking back, she's seeing provisional C of O fees for past years: 2008, 09, 10 and 11 showing up on the bill that has been attached to the record*
- (Ms. Shaff: that was on the first bill; the second bill was amended without those fees on it)*

Mr. Yang:

- just bought the property in 2005-2006 for his mom, dad and brother who are living there*
- he lives in a different property at 664 DeSoto St*
- he walked through with the inspector and everything was perfect*

Ms. Moermond:

- so, Mr. Yang is saying that he doesn't think this property should be in the C of O Program because his mom, dad and brother live there*
- there was only 1 set of Orders issued; he got his C of O right away*
- there was a confusing first bill; the second bill was accurate*

Mr. Yang:

- he bought this property because he couldn't find any bigger property for all of them to live together*
- he wants more of an explanation*

Ms. Moermond:

- the fee for a single family home C of O inspection is \$170; there's \$150 added because Mr. Yang didn't pay the bill on time so they processed it to the taxes*
- Mr. Yang does need to be in the C of O Program; his parents are not dependent upon him*
- will recommend the assessment be approved*
- City Council Public Hearing Aug 15, 2012*

Mr. Yang:

- he knows other people who own 2 houses for their family and don't have to pay for C of O Program*
- it's not rental property*

Ms. Shaff:

- explained that each year the city charged a fee of \$50 / year until it was inspected*
- once the inspection happens for a single family home and the clock starts ticking, it's a \$170 fee and those \$50 fees for 4 years in a row were cancelled*

Referred to the City Council due back on 8/15/2012

11 [RLH TA](#)
[12-339](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 581 MENDOTA STREET.

Sponsors: Lantry

Approve the assessment.

RE: 581 Mendota St (single family)

Chao Fang and Sha Moua appeared.

Joe Yannarely:

- first Summary Abatement: order issued to remove garbage, rubbish, trash, etc. dated Feb 6, 2012; compliance date Feb 13, 2012; re-checked Feb 13, 2012 and found noncompliant

- work done Feb 15, 2012 at a cost of \$180 plus a service charge of \$155 = \$335

- Orders were sent to Deutsche Bank, Tanereika Celestine/Malinda Miller and Occupant

Mr. Fang:

- purchased property Mar 20, 2012

Mr. Moua:

- these dates are for before he purchased the property

Ms. Moermond:

- her 2 considerations: 1) did the work occur; and 2) was it Noticed

- this is something that is attached to the land not attached to the person who is the previous owner

Viewed the Video

Ms. Moermond:

- Deutsche Bank should have notified the Appellant as the purchaser that this had happened but they didn't

- asked Appellant if he had contacted the realtor who represented him in the transaction (answer: No)

- suggested that Appellant contact the realtor who was involved in this transaction and tell him that he wasn't notified and that he thinks the responsibility lies with Deutsche Bank (they are responsible for disclosing)

- will recommend this assessment be approved

Referred to the City Council due back on 7/18/2012

12 [RLH TA](#)
[12-359](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No. 128518 at 581 MENDOTA STREET.

Sponsors: Lantry

Delete the assessment.

RE: 581 Mendota St (single family)

Chao Fang and Sha Moua:

Inspector Joe Yannarely:

- Summary Abatement Order to remove brush pile and debris

- Orders issued Apr 4, with a compliance date of Apr 10 and re-checked Apr 10, 2012 and found noncompliant
- work done
- Orders sent to Julin Moua / Nu Moua

Mr. Fang:

- purchased property Mar 20, 2012
- were in process of cleaning the yard - cutting trees, etc.
- the city just picked up the tree without proper notification to them
- in this case, the disagree strongly
- the \$625 assessment should not be their responsibility

Ms. Moermond:

- looks like this one went to Deutsche Bank
- Appellant did not received proper notification
- will recommend this assessment be deleted

Referred to the City Council due back on 8/15/2012

13 [RLH TA
12-360](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206E, Assessment No. 128308 at 581 MENDOTA STREET.

Sponsors: Lantry

Approve the assessment.

RE: 581 Mendota St (single family)

Chao Fang and Sha Moua appeared.

Inspector Joe Yannarely:

- Excessive Consumption fee of \$50 plus service charge of \$35 = \$85
- snow and ice letter issued Jan 25, 2012; compliance 72 hours later; re-checked Jan 30, 2012
- work was done by owner
- work crew had to be dispatched so the Excessive Consumption fee was charged

Ms. Moermond:

- this is similar to the first SA
- suggested Appellant call Michael Olson, Deutsche Bank about these
- will recommend this assessment be approved

Referred to the City Council due back on 7/18/2012

14 [RLH TA
12-351](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No. 128518 at 992 OMABAN STREET.

Sponsors: Bostrom

Reduce the assessment from \$329 to \$200.

RE: 992 Omaban St (twinhome)

Qing Fang appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Apr 9, 2012; compliance date Apr 17;

re-checked Apr 18

- work done for a cost of \$329
- no returned mail; no history on property
- sent to Jiaying Ma, Cottage Grove and Occupant
- removal of garbage, rubbish; chain link fence in disrepair
- photo of microwave

Ms. Fang:

- she put out a microwave in working condition (Free microwave for nbrs to take)
- looked at photo - shows moving stuff
- the owner said he did receive a letter about fixing the fence but nothing about cleaning up the yard or moving the microwave (Ms. Moermond said all of it was in the same letter)
- the fence has been fixed

Viewed Video

Ms. Fang:

- that material was not debris and not picked up; it was material used to fix the deck
- and the black fabric is for landscaping (when she was there, the fabric was still there)
- she did not receive the Notice on time; if he would receive the Notice, he would pick it up-he went there to fix the fence; why wouldn't he put the microwave into the garage and pick things up
- letter said Apr 17; don't know when owner received letter
- the chain link fence was repaired
- there's 2 different dates causing confusion; miscommunication
- cost too expensive
- and, the yard is still full of leaves; they were not cleaned up

Ms. Moermond:

- \$155 is a service charge

Mr. Essling:

- they actually charged half of the normal \$260; \$30 appliance fee; \$40 yardage fee

Ms. Moermond:

- the cost is supposed to be an incentive to take care of it yourself
- the city's obligation is to send a Notice first class mail and it doesn't matter whether the person is in or out of town
- the city sent out the Notice
- there may have been some confusion in reading the deadline for part of this
- will recommend that 1/3 of this assessment be removed; the remainder will go onto the taxes
- will approve \$200 assessment

Referred to the City Council due back on 8/15/2012

**15 RLH TA
12-362**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No. 128518 at 719 PAYNE AVENUE.

Sponsors: Bostrom

Approve the assessment.

RE: 719 Payne Ave (general retail and Svc)

Michael Drieling and Terrance Longville, owners, appeared.

Inspector Joe Yannarely:

- *Summary Abatement Order a clean-up: garbage, rubbish, mattress, plastic crates*
- *issued Apr 5, 2012 with a compliance date Apr 12; re-checked Apr 12, 2012 and found noncompliant*
- *work done Apr 16, 2012 for a cost of \$326 plus a service charge of \$155 = \$481*
- *brand new Category 2 Vacant commercial Building - file opened Apr 5, 2012*
- *Notices sent to different people at 11 Birchwood Ln, White Bear Lake: Laurie Bauer and Diane Longville; and Michael Drieling*

Appellants:

- *the family has owned the property since the 30s; it was sold on a Contract for Deed 5 years ago; the owners, subsequently, defaulted on the Contract*
- *they went through the Cancellation of Contract process, recorded with the county Feb 27, 2012*
- *within the next 30-60 days, they were sorting out their options*
- *the people to whom they had sold the building left it in disrepair - they did a lot of civil damage to it*
- *they have cleaned-up the building and now, it's listed "for sale"*
- *during the time when the Vacant Building Notice was issued and the rubbish was cleared was an in between period and they don't even know whether or not they received Notice that the rubbish was to be removed*
- *they are asking that the assessment be deleted because of their due diligence and their good standing with the building except for the last 5 years when it was sold Contract for Deed*
- *Mr. Drieling said that at that time, he happened to be out of town and was having his mail forwarded; he did receive something but it was after the deadline and he contacted Tom Friel immediately and explained the situation and asked for some relief*
- *they are appealing to the mercy of the Legislative Hearing Officer*
- *they have taken a big loss in property value*

Ms. Moermond:

- *Appellants have been left holding the bag*
- *Viewed the Video*

Appellants:

- *the video shows that this commercial property had become a disposal station for the neighborhood*
- *with his mail being forwarded, he didn't get the Notice until the work had been done*

Ms. Moermond:

- *provided Appellants with a copy of the Summary Abatement Order*
- *there was proper legal Notice given by the city; understands that Mr. Drieling's mail was forwarded*
- *there's a responsibility to maintain the property and it was outside - easy to handle*
- *she is sorry they find themselves holding the bag on this*
- *the taxpayers at large are not responsible for this*
- *suggests that Appellants may want to take it to the City Council Aug 15, 2012; then, the District Court*
- *will recommend this assessment be approved*
- *2 weeks after CC votes on this, Appellants will get a letter with the ratification*
- *she would be happy with setting up payments over 5 years*

Referred to the City Council due back on 8/15/2012

16 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
12-348 1209T, Assessment No. 129011 at 970 RAYMOND AVENUE.

Sponsors: Stark

Approve the assessment.

RE: 970 Raymond Ave

Sandy Jacobs appeared

Rachel Coyle, Forestry:

- 23-inch green Ash tree infested with Emerald Ash Borer at this address
- cost \$675.98 + \$126.39 service charge = \$802.37
- gold card returned by Sandy Jacobs
- Order dated Jan 19, 2012; compliance date Feb 20; re-checked Apr 10, 2012
- tree removed Apr 13, 2012
- no returned mail
- Ms. Jacobs called on Jan 25, 2012 and asked for an extension which was granted to Mar 20, 2012

Ms. Moermond:

- the tree wasn't actually removed until Apr 13, 2012, so, there were 3 months between the original Order and the tree removal

Ms. Jacobs:

- she did talk with staff a couple of times
- she had another tree at a different property which also was infected and she took that tree down on time
- she bid out the tree removal and gave out the contract to Precision Landscape but they called and said they were busy; consequently, the deadline was missed
- \$800 is double what she was going to pay Precision Landscape; the price is way too high; her bid was \$400 plus tax
- she manages 8 buildings; has 22 Ash trees; it's expensive and there's no help for it
- she had Precision itemize all 3 trees (1 was a city tree)

Ms. Coyle:

- they have a contract for tree removal; they bid per diameter inch
- they put it into categories: 0-10 inches; 11-20 inches, etc.
- it's a competitive bid and the city takes the lowest bid

Ms. Moermond:

- she is stuck with this one because: 1) it was a bid process (not really any discretion after competitive bidding); and 2) there were several months that went by, plus an extension (ample amount of time to address the tree removal)
- this is Ms. Coyle's responsibility; not the taxpayers at large
- suggested that Precision Landscape look at her trees regularly and remove them when necessary
- will recommend this assessment be approved

Referred to the City Council due back on 8/15/2012

17 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
12-352 J1211A, Assessment No.128518 at 2040 SAUNDERS AVENUE.

Sponsors: Tolbert

No show; approve the assessment.

Referred to the City Council due back on 8/15/2012

**18 RLH TA
12-365**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No.128518 at 1291 ST PAUL AVENUE.

Sponsors: Tolbert

Reduce the assessment from \$481 to \$200.

RE: 1291 St. Paul Ave (single family)

Janet Johnson, C of O responsible party, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Apr 4 with compliance date of Apr 10; re-checked Apr 10, 2012*
- work done Apr 12, 2012 for a cost of \$481*
- no returned mail*
- sent to Millennium Holdings of Minnesota Inc, Lakeville; Occupant*
- photos*

Ms. Johnson:

- appealing because she has been trying to work with them on keeping up the property; she was out traveling in Apr when she got the Notice so, she called up the tenants and asked them about the sofas in the street and they said they had removed the sofas from the street themselves*
- she called the inspector on the Notice and told him that the tenants had taken care of it; he said, "No, the city took care of it."*
- when she got this Notice, she went to talk with the tenants again and told them that if they are going to keep doing then, they will need to pay the fine; they insisted and insisted that they had removed the offending materials themselves within 2 days of being out in the street*

Inspector Joel Essling:

- he was the inspector on this and this assessment doesn't have anything to do with a couch - that was a previous Order and done by the owner*
- this is about a whole different scenario*

VIDEO

Ms. Johnson:

- doesn't understand why these would be issues on her property in an enclosed space*
- some of this was building materials*
- they weren't on anyone else's property and they weren't in the street*

Mr. Essling:

- this evolved from a fence being built without a permit (Ms. Johnson said she didn't know about that either and once she did, she went and got a permit)*

Ms. Moermond:

- this is on Ms. Johnson's property but she has to maintain that property (Ms. Johnson: she understands that but this was a bag of leaves and a small pile of planks and some brush)*

Ms. Johnson:

- her Notice said "Materials in the street"; she did not get a Notice about the materials in the yard
- Ms. Moermond handed her the Notice for this clean-up

Ms. Moermond:

- there was a previous Order in Jan for the sofa on the blvd
- the original photos for this Order contains a lot of stuff
- viewed the Video again

Ms. Johnson:

- she has rehabbed the property extensive; put up a garage
- there's a fence between the garage and the neighbors (those materials were in that enclosed space between the garage and the fence)
- she sees the building materials being neatly stored in a place out of public view
- the garage is full of other stuff

Ms. Moermond:

- it's not proper to store garbage bags, pile of brush, lumber, etc. on the exterior, hence the Order

Ms. Seeley:

- does not think the photos are indicative of the Video
- someone cleaned up since the photos that Mr. Essling took (Ms. Moermond agreed that it's definitely better)
- she would recommend lowering the assessment; there was a good faith effort made

Ms. Moermond:

- will recommend decreasing the assessment to \$200 based on Inspector Seeley's recommendation

Referred to the City Council due back on 8/15/2012

**19 RLH TA
12-355**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1209, Assessment No. 128211 at 415 SUMMIT AVENUE.

Sponsors: Carter III

Delete the assessment.

RE: 415 Summit Ave (4-unit condominium)

Carol Clark, owner of Unit #1, appeared.

Fire Inspector Sean Westenhofer:

- Fire Certificate of Occupancy inspection: \$128 + \$150 service charge = \$278
- Orders sent Oct 12, 2009
- billing date Nov 5, 2009 and Dec 7, 2009
- Orders and billings were sent to the responsible party/ owner, Nathan House Condo Association-Sharon Schwarz, Unit #3
- Mr. Imbertson is the original inspector

Fire Supervisor Leanna Shaff:

- this seems to be a property where the Amanda System didn't link the pin number with the Amanda folder so, it wouldn't generate the bill going to assessments
- a subsequent C of O inspection is pending right now

Ms. Clark:

- she is here for 2 reasons: 1) this is a condo association; and 2) this Notice, dated Apr 2012, is pinned to her property, Unit #1, not the association
- she called and spoke with Bill Beumer, Natasha Murphy, Tanya and Mai and told them that they have never had a personal Fire inspection on their unit; why is this tied to her unit? Finally, someone said that it was tied to an inspection in Nov 2009. They asked if she had rental property and she said "No" that she had lived at this address the whole time; however, one of the units in the association is being rented out at the time.
- she remembered that there was a Fire inspection and there were deficiencies in Unit #2, Mr. Severson; however, she's not the president of the association, she's the treasurer and she never received anything (she remembers this from a discussion at a board meeting)
- she is asking why is this assessment attached to her unit? Either Bill, Natasha or Tanya said, "Well, we just picked one."
- she told them that this assessment should have gone to the association, not to her, individually; Natasha said she would re-send the Notice to Sharon Schwarz and include a Gold card; Ms. Clark called Sharon to see if she received it; Sharon got it but instead of addressing the Notice to the association, it was still listed under Ms. Clark's property, Unit #1 and by the time Sharon received it, it was passed the time that the Gold card could be submitted
- she called the president of the association, Sharon Schwarz, to see if she received any mail from the city; Ms. Schwarz said she remembers the incident with Unit #2 but she doesn't remember getting any result from it nor any letter of assessment
- Ms. Schwarz said that she has never gotten any Notice from the city previously
- Ms. Schwarz agreed to have Ms. Clarks represent the association at this hearing

Ms. Shaff:

- in the case of a condo association, they usually pick the lowest unit number; unfortunately, the city's systems don't allow them to marry them all in (Ms. Moermond: in this case, however, you have a C of O responsible party, Sharon Schwarz in Unit #3 because that's who received the billing originally

Ms. Moermond:

- it's been 3 years so, she will recommend that this assessment be deleted

Referred to the City Council due back on 8/15/2012

20 **RLH TA**
12-346

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No. 128518 at 1636 TAYLOR AVENUE.

Sponsors: Stark

No show; approve the assessment.

Referred to the City Council due back on 8/15/2012

21 [RLH TA](#)
[12-370](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1207, Assessment No. 128807 at 907 THIRD STREET EAST.

Sponsors: Lantry

Delete the assessment. (NOTE: Owner paid the VB fee-will expect a refund)

RE: 907 Third St E (single family)

Justen Xiong, owner, appeared.

Inspector Joe Yannarely:

- *this assessment is for a Vacant Building fee*
- *the VB file was closed May 9, 2012 with the issuance of a Certificate of Code Compliance*
- *the VB file anniversary date is Feb 3 so, it was just 3 months over the anniversary date; if they would have called for an extension, the department would have granted it*
- *the previous VB fees were paid and the sales review approval was paid*

Ms. Moermond:

- *will recommend that this assessment be deleted*

Mr. Xiong:

- *he already paid the assessment fee Jun 25, 2012 and the check has been cashed*
- *they were told they could not close on the house until they paid the VB fee*

Ms. Moermond:

- *it will take the city some time to process the refund of this assessment*

Referred to the City Council due back on 7/18/2012

**22 RLH TA
12-347**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No. 128518 at 273 TOPPING STREET.

Sponsors: Brendmoen

Approve the assessment.

RE: 273 Topping St (single family)

David Johnson, owner, appeared.

Inspector Paula Seeley:

- *Summary Abatement Order sent Mar 26, 2012; compliance date of Apr 2*
- *Mr. Johnson was granted an extension of almost 2 weeks and re-checked Apr 23, 2012 and found in non compliance*
- *work done Apr 25, 2012 for a cost of \$875*
- *no returned mail*
- *some history*
- *sent to David and Barbro Johnson, Marine on St. Croix; Arafat and Obackra, Coon Rapids; and Occupant*
- *inspector notes: accumulated refuse, rubbish, discarded furniture, loose debris*

VIDEO (items were pushed out into the alley; however, the inspector felt that the items that are here are the items from the property)

Mr. Johnson:

- *they have had problems with dumping there for some time; the city even put up signs on both ends of the alley: \$700 fine if you dump in this alley but it doesn't seem to stop anyone from doing it (they do it late at night)*
- *it's not right that since his property is adjacent to the alley, it should be fined so much money*
- *he doesn't think he should be responsible for it since it was in the middle of the alley; it's not right that he should have to pay for what the dumper's do*
- *he has cleaned up some material but not one speck of this stuff was his*
- *he doesn't have problems with any of his properties except this one*

- Arafat was the manager here until recently when Mr. Johnson took it over and he has had a lot of problems with dumping and he has cleaned it up many times (there's 2 empty lots next door); it's not right that people can do that to someone
- this is so unfair
- Minneapolis has a place where people can dump their stuff; if Saint Paul had such a place, he wouldn't have people dump in his alley (Ms. Moermond suggested that Mr. Johnson lobby for that to happen here in Saint Paul; right now, it's not policy)
- why should he and others be punished by dumpers? It's not fair; it's not right!
- this doesn't make sense to him because he didn't put it there and he thinks the city should take responsibility since they don't provide a place for people to discard their materials

Ms. Moermond:

- looking at the photo and the material is in Mr. Johnson's driveway and besides he's responsible for half the alley
- it looks like it was moved from Mr. Johnson's property, presumably by him or his employees, who moved it into half the alley that is by his property
- the blvd and half the alley are the owner's property and public right-of-way
- the owner is responsible for his property whether or not he put stuff there
- there was a full month between when the Orders were written and when the city cleaned it up; and Mr. Johnson had the opportunity to appeal the Orders themselves (Mr. Johnson said he appealed as soon as he heard about this)
- asked to have the Video retained on this
- she is troubled that the photo shows these materials in his driveway that someone moved to the alley but Mr. Johnson has responsibility for half the alley
- Mr. Johnson needs to report the dumping to the police department
- it's not the responsibility of all the tax payers in Saint Paul to make sure that Mr. Johnson's property is picked up
- will recommend this assessment be approved
- City Council Public Hearing Aug 15, 2012

Referred to the City Council due back on 8/15/2012

**23 RLH TA
12-349**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1209, Assessment No. 128211 at 99 WESTERN AVENUE SOUTH.

Sponsors: Thune

Forthcoming. Owner to submit copy of cleared check for Erie address.

RE: 99 Western Ave S (single family)

Joe Schaak, owner, appeared.

Fire Inspector Sean Westenhofer:

- Fire Certificate of Occupancy Inspection
- Cost \$170 plus service charge of \$150 = \$320
- Orders dated Dec 23, 2011
- billing dates: Feb 20 and Mar 21, 2012
- sent to the responsible party / owner Left Bank Property LLC, Stillwater MN

Mr. Schaak:

- has 2 properties and received Notices for both for the C of O inspection; he thought they were duplicate Notices so, he threw 99 Western Notice out and paid the other one for 305 Erie St
- hoping that the administrative fee could be deleted
- has a check that cleared for \$170 for C of O

*Fire Supervisor Leanna Shaff:
- the last C of O for 305 Erie was in 2009*

*Ms. Moermond:
- asked for a copy of that cleared check (email it in)*

Referred to the City Council due back on 8/15/2012

- 24** **RLH AR** Ratifying Collection of Certificate of Occupancy fees from April 2012. (File
12-85 No. CRT1209, Asmt No. 128211)

Sponsors: Lantry

Referred to the City Council due back on 8/15/2012

- 25** [RLH AR](#) Ratifying Graffiti Removal services during March 25 to April 4, 2012. (File No.
[12-86](#) J1209P, Asmt No. 128408)

Sponsors: Lantry

Referred to the City Council due back on 8/15/2012

- 26** **RLH AR** Ratifying Property Clean Up services during April 2012. (File No. J1211A,
12-87 Asmt No. 128518)

Sponsors: Lantry

Referred to the City Council due back on 8/15/2012

- 27** **RLH AR** Ratifying Demolition services from April 2012. (File No. J1213C, Asmt No.
12-88 122014)

Sponsors: Lantry

Referred to the City Council due back on 8/15/2012

- 28** **RLH AR** Ratifying Tree Removal services from April 2012. (File No. 1209T, Asmt No.
12-89 129011)

Sponsors: Lantry

Referred to the City Council due back on 8/15/2012