



# 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*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8585*

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Tuesday, December 3, 2013

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

#### Special Tax Assessments - LAID OVER

- 1     [RLH TA 13-716](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 59 CONGRESS STREET EAST.
- Sponsors:**     Thune
- Delete the assessment.*
- RE: 59 Congress Street East (Church/Synagogue-G-Public and Semi-Public)*
- Frederico Mobello, Teddy Asuncion and Aristotle Cajucom, church representatives, appeared.*
- Inspector Paula Seeley:*
- this Summary Abatement was Laid Over to view the VIDEO of the clean-up to check for property lines
  - SA sent Sep 16; compliance Sep 20; re-checked Sep 24; Work Order sent; no returned mail
  - work done Sep 25 for a cost of \$320
  - she spoke with Inspector Gavin
- VIDEO - not complete*
- Ms. Moermond:*
- will recommend the City Council deleted this assessment; VIDEO is not complete
- Referred to the City Council due back on 1/15/2014**
- 2     [RLH TA 13-683](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 340 DALY STREET.
- Sponsors:**     Thune
- Delete the assessment due to no proper documentation from the Department of Safety and Inspections (DSI).*

*RE: 340 Daly Street (Duplex)*

*No one appeared.*

*Ms. Mai Vang:*

*- was laid over to allow the inspector time to pull this file together*

*Inspector Paula Seeley:*

*- Excessive Consumption fee at a cost of \$120 + \$35 service charge = \$155*

*- date of Orders: Jul 1, 2013; compliance date Jul 8, 2013; given a couple weeks extension; re-checked Jul 25, 2013*

*- re: car parts, improperly stored lawn mowers and wood; and Vehicle Abatement*

*Orders: fixing cars in garage, many cars and trailers parked in the yard*

*- sent to Jonathan Schulz*

*- no returned mail*

*- no date for when the EC was sent (looks like Jul 8, 2013); then, gave a couple more extensions*

*Ms. Moermond:*

*- previous inspections: Apr 8, 26 and 29, 2013; also last year: Feb, Nov, Dec;*

*multiple complaints and inspections*

*- the EC is not attached*

*Ms. Seeley:*

*- recommends deletion; there's no attached EC in the Amanda*

*Ms. Moermond:*

*- there is not proper documentation given (no EC letter attached)*

*- will recommend deleting this assessment*

**Referred to the City Council due back on 1/15/2014**

**3**      [RLH TA 13-684](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 640 VICTORIA STREET SOUTH.

**Sponsors:**      Thune

*On December 6, 2013, Ms. Moermond reviewed the summary sheets provided by Inspector Ed Smith relating to nuisance conditions at the property and based on the documentation, she recommended reducing the assessment from \$635.00 to \$535 and spread the payments over 2 years, noting that the garbage container was against the fence.*

*Laid over for staff report: Need Inspector Ed Smith to provide a summary of event of inspections and will also provide what the Orders should be on this property. (LHO said she will take away at least 2 of the charges and can divide over number of years).*

**Laid Over to the Legislative Hearings due back on 12/17/2013**

**4**      [RLH TA 13-703](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 1231 WOODBRIDGE STREET.

**Sponsors:** Brendmoen

*Approve the assessment and spread the payments over 5 years.*

*RE: 1231 Woodbridge Street (Single Family)*

*Mai Vang:*

- *you have to review the receipt from Waste Management about the bagster*
- *owner was to provide documentation*

*Inspector Paula Seeley:*

- *she emailed the owner*
- *she emailed the bagster company with the photo and asked if they would remove this and they replied, "No; we will absolutely not remove any electronics from the bagster."*
- *the bagster invoice is not for any of the dates that the city did the clean-ups*
- *he was scrapping*

*Ms. Moermond:*

- *based on the dates of the receipts, she will recommend approval of this assessment, payable over 5 years*

**Referred to the City Council due back on 1/15/2014**

**5**      [RLH TA 13-714](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1402A, Assessment No. 148501 at 810 BUFFALO STREET.

**Sponsors:** Brendmoen

*Delete the assessment; staff did not provide video of the clean up.*

*RE: 810 Buffalo Street (Duplex)*

*David Barlage, owner, appeared.*

*(2 Clean-Ups and a VB fee)*

*Inspector Joe Yannarely:*

- *didn't bring the VIDEOS of the clean-ups*
- *it's been a Category 2 Vacant Building since Nov 2006*
- *has a history of complaints*
- *there is not a VB registration form*

*Mr. Barlage:*

- *he has never agreed that it was a VB so he has never filled out a VB registration form*
- *he maintains the property himself*
- *has owned it since 2008*
- *he has not been getting the correspondence from the city*
- *wants to make sure that everyone has his correct address*
- *1 of the clean-up VIDEOS was missing last month, so, it was Laid Over to today to view the other VIDEO*

*Ms. Moermond:*

- *the best way for the city to have correct contact information is for Mr. Barlage to fill out a VB registration form*

*Mr. Barlage:*

- he got the VB form the first year, so he wrote back to DSI saying that he didn't think that he should be in the VB Program

*Ms. Moermond:*

- on that same form is a statement that you can appeal that registration but the appeal is to Legislative Hearings, here  
- the VIDEO we saw last month showed 2 bags of garbage in back near the alley; we do not have the other VIDEO  
- been in the VB Program since 2006  
- there is no Code Compliance Inspection Report  
- there is no VB Registration form

*Mr. Yannarely:*

- there is a notation in the file to change the address to 5615  
- there's a Registered VB form from Jun 2007 (Mr. Barlage bought it in Jun 2008)

*Ms. Moermond:*

- Mr. Barlage bought a VB and it's homesteaded

*Mr. Barlage:*

- he doesn't live there but intends to as soon as he has enough money to fix everything  
- he is unemployed so, he's just trying to get things lined up  
- he did a Code Compliance 3 1/2 yrs ago but then, he didn't have the funds to do it

*Ms. Moermond:*

- here's what we can do: unless someone went in and stole the copper or some other dramatic thing, chances are DSI can do a "building only" inspection (you need to call them); it would be at a significantly reduced price - a walk thru done by Jim Seeger; they may not be willing to do that since it's been so long since the last Code Compliance inspection but it's worth a phone call  
- the place hasn't been occupied  
- she is not able to get Mr. Barlage out of paying the registered VB fee but she can divide it up over a number of years (there's probably 5-6 years of VB fees on his taxes)

*Mr. Barlage:*

- his house payment is about 3 times what it was when he bought it  
- he is there every week and he maintains the property; he doesn't understand why he should pay someone \$1400 to do what he is already doing  
- he has never gotten the city's notices and Work Orders

*Ms. Moermond:*

- it seems as though Mr. Barlage has some choices to make  
- you are still able to cover your mortgage  
- you can sell a Category 2 VB but you need a fresh Code Compliance Inspection and it must be sold to someone who can go ahead and fix it up  
- the best she recommend to the City Council is to divide the VB fee over 5 years

*Mr. Yannarely:*

- it's his mistake; he recommends that Ms. Moermond delete the assessment for which there is no VIDEO  
- last time, we watched the VIDEO from Sep 18, 2013 at a cost of \$290 (Work Order 13-232781)  
- the Aug 1, 2013 clean up is for \$320 (no VIDEO); Work Order 13-216139

Ms. Moermond:

- will recommend deleting the assessment for \$320 (No VIDEO)
- will recommend approving the assessment for \$290 divided over 3 years
- will recommend denying the appeal to not have to pay the registered VB fee for \$1440

Mr. Barlage:

- was never told that he'd have to pay a Vacant Building fee when he bought it

**Referred to the City Council due back on 1/2/2014**

**6**      [RLH TA 13-715](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 810 BUFFALO STREET.

**Sponsors:**            Brendmoen

*Approve and spread the payments over 3 years.*

*RE: 810 Buffalo Street (Duplex)*

*David Barlage, owner, appeared.*

*(2 Clean-Ups and a VB fee)*

*Inspector Joe Yannarely:*

- didn't bring the VIDEOS of the clean-ups
- it's been a Category 2 Vacant Building since Nov 2006
- has a history of complaints
- there is not a VB registration form

*Mr. Barlage:*

- he has never agreed that it was a VB so he has never filled out a VB registration form
- he maintains the property himself
- has owned it since 2008
- he has not been getting the correspondence from the city
- wants to make sure that everyone has his correct address
- 1 of the clean-up VIDEOS was missing last month, so, it was Laid Over to today to view the other VIDEO

*Ms. Moermond:*

- the best way for the city to have correct contact information is for Mr. Barlage to fill out a VB registration form

*Mr. Barlage:*

- he got the VB form the first year, so he wrote back to DSI saying that he didn't think that he should be in the VB Program

*Ms. Moermond:*

- on that same form is a statement that you can appeal that registration but the appeal is to Legislative Hearings, here
- the VIDEO we saw last month showed 2 bags of garbage in back near the alley; we do not have the other VIDEO
- been in the VB Program since 2006
- there is no Code Compliance Inspection Report

- there is no VB Registration form

Mr. Yannarely:

- there is a notation in the file to change the address to 5615
- there's a Registered VB form from Jun 2007 (Mr. Barlage bought it in Jun 2008)

Ms. Moermond:

- Mr. Barlage bought a VB and it's homesteaded

Mr. Barlage:

- he doesn't live there but intends to as soon as he has enough money to fix everything
- he is unemployed so, he's just trying to get things lined up
- he did a Code Compliance 3 1/2 yrs ago but then, he didn't have the funds to do it

Ms. Moermond:

- here's what we can do: unless someone went in and stole the copper or some other dramatic thing, chances are DSI can do a "building only" inspection (you need to call them); it would be at a significantly reduced price - a walk thru done by Jim Seeger; they may not be willing to do that since it's been so long since the last Code Compliance inspection but it's worth a phone call
- the place hasn't been occupied
- she is not able to get Mr. Barlage out of paying the registered VB fee but she can divide it up over a number of years (there's probably 5-6 years of VB fees on his taxes)

Mr. Barlage:

- his house payment is about 3 times what it was when he bought it
- he is there every week and he maintains the property; he doesn't understand why he should pay someone \$1400 to do what he is already doing
- he has never gotten the city's notices and Work Orders

Ms. Moermond:

- it seems as though Mr. Barlage has some choices to make
- you are still able to cover your mortgage
- you can sell a Category 2 VB but you need a fresh Code Compliance Inspection and it must be sold to someone who can go ahead and fix it up
- the best she recommend to the City Council is to divide the VB fee over 5 years

Mr. Yannarely:

- it's his mistake; he recommends that Ms. Moermond delete the assessment for which there is no VIDEO
- last time, we watched the VIDEO from Sep 18, 2013 at a cost of \$290 (Work Order 13-232781)
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Ms. Moermond:

- will recommend deleting the assessment for \$320 (No VIDEO)
- will recommend approving the assessment for \$290 divided over 3 years
- will recommend denying the appeal to not have to pay the registered VB fee for \$1440

Mr. Barlage:

- was never told that he'd have to pay a Vacant Building fee when he bought it

**Referred to the City Council due back on 1/15/2014**

7 [RLH VBR 13-67](#) Appeal of David Barlage to a Vacant Building Registration Renewal Notice at 810 BUFFALO STREET.

Sponsors: Brendmoen

*Deny the appeal.*

*RE: 810 Buffalo Street (Duplex)*

*David Barlage, owner, appeared.*

*(2 Clean-Ups and a VB fee)*

*Inspector Joe Yannarely:*

- didn't bring the VIDEOS of the clean-ups*
- it's been a Category 2 Vacant Building since Nov 2006*
- has a history of complaints*
- there is not a VB registration form*

*Mr. Barlage:*

- he has never agreed that it was a VB so he has never filled out a VB registration form*
- he maintains the property himself*
- has owned it since 2008*
- he has not been getting the correspondence from the city*
- wants to make sure that everyone has his correct address*
- 1 of the clean-up VIDEOS was missing last month, so, it was Laid Over to today to view the other VIDEO*

*Ms. Moermond:*

- the best way for the city to have correct contact information is for Mr. Barlage to fill out a VB registration form*

*Mr. Barlage:*

- he got the VB form the first year, so he wrote back to DSI saying that he didn't think that he should be in the VB Program*

*Ms. Moermond:*

- on that same form is a statement that you can appeal that registration but the appeal is to Legislative Hearings, here*
- the VIDEO we saw last month showed 2 bags of garbage in back near the alley; we do not have the other VIDEO*
- been in the VB Program since 2006*
- there is no Code Compliance Inspection Report*
- there is no VB Registration form*

*Mr. Yannarely:*

- there is a notation in the file to change the address to 5615*
- there's a Registered VB form from Jun 2007 (Mr. Barlage bought it in Jun 2008)*

*Ms. Moermond:*

- Mr. Barlage bought a VB and it's homesteaded*

*Mr. Barlage:*

- he doesn't live there but intends to as soon as he has enough money to fix everything*
- he is unemployed so, he's just trying to get things lined up*

- he did a Code Compliance 3 1/2 yrs ago but then, he didn't have the funds to do it

*Ms. Moermond:*

- here's what we can do: unless someone went in and stole the copper or some other dramatic thing, chances are DSI can do a "building only" inspection (you need to call them); it would be at a significantly reduced price - a walk thru done by Jim Seeger; they may not be willing to do that since it's been so long since the last Code Compliance inspection but it's worth a phone call  
- the place hasn't been occupied  
- she is not able to get Mr. Barlage out of paying the registered VB fee but she can divide it up over a number of years (there's probably 5-6 years of VB fees on his taxes)

*Mr. Barlage:*

- his house payment is about 3 times what it was when he bought it  
- he is there every week and he maintains the property; he doesn't understand why he should pay someone \$1400 to do what he is already doing  
- he has never gotten the city's notices and Work Orders

*Ms. Moermond:*

- it seems as though Mr. Barlage has some choices to make  
- you are still able to cover your mortgage  
- you can sell a Category 2 VB but you need a fresh Code Compliance Inspection and it must be sold to someone who can go ahead and fix it up  
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- it's his mistake; he recommends that Ms. Moermond delete the assessment for which there is no VIDEO  
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*Ms. Moermond:*

- will recommend deleting the assessment for \$320 (No VIDEO)  
- will recommend approving the assessment for \$290 divided over 3 years  
- will recommend denying the appeal to not have to pay the registered VB fee for \$1440

*Mr. Barlage:*

- was never told that he'd have to pay a Vacant Building fee when he bought it

**Referred to the City Council due back on 12/18/2013**

### **Special Tax Assessments - NEW**

- 8**      [RLH TA 13-725](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1403, Assessment No. 148802 at 707 EDMUND AVENUE.

**Sponsors:**      Thao

*If the permits are finalized and Fire Certificate of Occupancy is reinstated by January 15, 2014, the Legislative Hearing Officer will reduce the Vacant Building fee to one-fourth of its current size. (Reduce from \$1595 to \$398.75).*



RE: 707 Edmund Avenue (Duplex)

Steven L. Flanders, tax owner, appeared.

Inspector Joe Yannarely:

- Vacant Building registration fee: \$1440 + \$155 service charge = \$1595
- this was Condemned by the Fire Certificate of Occupancy Program and sent to the Vacant Building Program as a Category 2
- Aug 20, 2013, in this forum, Ms. Moermond changed it to a Category 1 VB to give them an opportunity to work with the Fire Inspector
- as of today, it still has not yet got its C of O back
- active permits: electrical, plumbing, building

Mr. Flanders:

- all the work has been done; A. J. Neis came out and did a walk-thru
- while he was at court with his wife, Mr. Neis was here, explaining what we were doing
- he hasn't come back out for the last walk-thru
- he hired contractors to pull all the permits for him

Ms. Moermond:

- Mr. Flanders or his contractors need to contact the Department of Safety and Inspections (DSI) to follow up and get those permits finalized (closed and everything is approved)
- then, Mr. Neis can issue the C of O for the property
- this will go to City Council Public Hearing Jan 15, 2014
- get the permits finalized and get your C of O restored by Jan 15, 2014 and she will cut the VB fee to 1/4 of its current size; if Mr. Flanders can't do that, then she will go ahead with the full VB fee; so, she is holding out about a \$1000 carrot for him
- we will let Mr. Neis know what's up

**Referred to the City Council due back on 1/15/2014**

**9**      [RLH TA 13-695](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 2020 GOODRICH AVENUE.

**Sponsors:**          Stark

Reduce the assessment from \$664.00 to \$404.00.

RE: 2020 Goodrich Avenue (Single Family)

Virginia Palmer, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order for failure to maintain exterior property: tall grass and weeds
- sent Sep 9, 2013; compliance Sep 13; re-checked Sep 13; Work Order sent
- work done Sep 18 and 19, 2013
- sent to Virginia Palmer, 2020 Goodrich; and Occupant
- SA indicates: debris by garage; tall grass and weeds; rank plant growth throughout the yard and alley area
- no returned mail
- photos
- cost: \$504 + \$160 service charge = \$664

*Ms. Palmer:*

- is not contesting the tall grass and weeds, etc.
- is here because she hasn't seen an invoice on what she is being billed for
- she did actually remove a large number of weeds from the yard; they were gathered together in the compost pile
- she thought, also, that 3 days was a little unreasonable to take care of things but she forgot to call and ask for more time

*Ms. Moermond:*

- DSI never invoices these things; Summary Abatements go straight to assessment
- this is a Special Assessment Chapter in the City Charter
- if an invoice is needed, it can be created
- garbage abatement fee (square yardage fee is \$260; the general refuse charge is \$56; and the tree and brush is \$28); those are on top of the hourly fee of \$260

*VIDEOS: 1) tall grass and weeds; and 2) remove pile of debris near garage; yard waste*

*Ms. Palmer:*

- she was installing a patio by herself (which was supposed to be a real easy project); there was a flat of bricks waiting for her to install
- the piles were from taking down the weeds after she was ordered to do that; as soon as the bricks were installed, she was going to finish the entire yard
- she doesn't think that she should be charged for the removal of the piles because she was originally told to cut down the tall grass and weeds, which she was doing, slowly but surely
- she is responsible for everything in the alley and also for not calling to talk to someone about it

*Ms. Seeley:*

- the concrete and debris = \$260
- remove the 2 bags of yard waste - \$56
- removal of the tree and brush = \$28 (Video did not show)
- looking at the photos and video, I can see that she was attempting to do it
- there's a good faith effort on the debris

*Ms. Palmer:*

- she would have called the inspector and asked for more time had she known; when she did call DSI to ask about this, she thought that she was told that she was going to get a bill and a gold card
- she submitted the gold card because she didn't know what she was being charged for
- she has the utmost respect for all of the city departments and she is not trying to say that this was not properly done; and it's all my fault
- just doesn't think that all of the cost is merited because she was taking down the tall grass and weeds

*Ms. Moermond:*

- the tree and brush fee can be deleted; that was not documented very well
- there was a good faith effort made on the tall grass and weeds; will give her the benefit of the doubt on that
- will divide the code enforcement fee in half
- will recommend reducing the assessment to \$404

**Referred to the City Council due back on 1/15/2014**

Project No. VB1403, Assessment No. 148802 at 673 JESSAMINE AVENUE EAST.

**Sponsors:** Bostrom

*No show - approve the assessment.*

**Referred to the City Council due back on 1/15/2014**

- 11 [RLH TA 13-722](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403B, Assessment No. 148102 at 924 LAWSON AVENUE EAST.

**Sponsors:** Bostrom

*Delete the assessment. This was a burglary and the owner was a victim of a crime. (No hearing necessary.)*

**Referred to the City Council due back on 1/15/2014**

- 12 [RLH TA 13-724](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1403, Assessment No. 148802 at 860 MARGARET STREET.

**Sponsors:** Lantry

*No show - approve the assessment.*

**Referred to the City Council due back on 1/15/2014**

- 13 [RLH TA 13-727](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1403, Assessment No. 148802 at 711 ROSE AVENUE EAST.

**Sponsors:** Bostrom

*Reduce the assessment from \$1595 to \$250.*

*RE: 711 Rose Avenue East (Single Family)*

*Ana Baumgart, owner, appeared.*

*Inspector Joe Yannarely:*

- this was put into the Vacant Building Program Jul 2, 2013*
- it was Condemned and referred to use by Inspector James Thomas, Certificate of Occupancy Program*
- the file was closed Oct 15, 2013*
- the house was rehabbed and occupied after the owner installed a new furnace under permit*
- was in the VB Program just a little over 3 months*

*Ms. Baumgart:*

- it's rental property*
- she called before she purchased it because she realized it was vacant but she was under the impression that if she would have gotten it done within a decent time frame, the fee would have gone away*

- they ran into problems with the title - that's why it took a little longer than it was supposed to

Ms. Moermond:

- will recommend that the assessment be reduced to \$250

**Referred to the City Council due back on 1/15/2014**

**14**     [RLH TA 13-719](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 1169 ST. PAUL AVENUE.

**Sponsors:**         Tolbert

LAID OVER TO WATCH VIDEO

RE: 1169 St. Paul Avenue (vacant lot)

No one appeared.

Ms. Mai Vang:

- James Byers sent in a written statement; he owns 1169 and manages both properties (1169 and 1173 St. Paul Ave)

Inspector Paula Seeley:

- she talked with Inspector Joel Essling about that  
- Orders sent Sep 6, 2013; compliance date Sep 10; rechecked Sep 12  
- work order sent to cut the grass on a vacant lot for \$320  
- no returned mail

REGARDING 1173 St. Paul Avenue (vacant lot)

- this has a totally separate pin from 1169  
- another clean-up SA by Mr. Essling  
- Orders sent Sep 6, 2013; compliance date Sep 10; rechecked Sep 12  
- work done on Sep 16 for a cost of \$320  
- James Byers owns 1169; and his brother, Richard Byers owns 1173  
- NO VIDEO  
- has photos  
- at one time, there was a duplex; it was torn down; now, there just a vacant lot

Ms. Moermond:

- will lay this over to Dec 17, 2013 Legislative Hearing to view the VIDEOS

**Laid Over to the Legislative Hearings due back on 12/17/2013**

**15**     [RLH TA 13-720](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 1173 ST PAUL AVENUE.

**Sponsors:**         Tolbert

LAID OVER TO WATCH VIDEO.

RE: 1173 St. Paul Avenue (vacant lot)

No one appeared.

*Ms. Mai Vang:*

- James Byers sent in a written statement; he owns 1169 and manages both properties (1169 and 1173 St. Paul Ave)

*Inspector Paula Seeley:*

- REGARDING 1169 St. Paul Avenue (vacant lot)  
 - she talked with Inspector Joel Essling about that  
 - Orders sent Sep 6, 2013; compliance date Sep 10; rechecked Sep 12  
 - work order sent to cut the grass on a vacant lot for \$320  
 - no returned mail

REGARDING 1173 St. Paul Avenue (vacant lot)

- this has a totally separate pin from 1169  
 - another clean-up SA by Mr. Essling  
 - Orders sent Sep 6, 2013; compliance date Sep 10; rechecked Sep 12  
 - work done on Sep 16 for a cost of \$320  
 - James Byers owns 1169; and his brother, Richard Byers owns 1173  
 - NO VIDEO

**Laid Over to the Legislative Hearings due back on 12/17/2013**

- 16 [RLH TA 13-721](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403P, Assessment No.148402 at 414 SEVENTH STREET WEST.

**Sponsors:** Thune

*Delete the assessment; waiver on file. (No hearing necessary)*

**Referred to the City Council due back on 1/15/2014**

#### Special Tax Assessment Rolls

- 17 [RLH AR 13-116](#) Ratifying Collection of Vacant Building fees billed February 25 to July 17, 2013. (File No. VB1403, Assessment No. 148802)

**Sponsors:** Lantry

**Referred to the City Council due back on 1/15/2014**

- 18 [RLH AR 13-117](#) Ratifying Graffiti Removal services during August 19 to September 16, 2013. (File No. J1403P, Assessment No. 148402)

**Sponsors:** Lantry

**Referred to the City Council due back on 1/15/2014**

- 19 [RLH AR 13-118](#) Ratifying Boarding and/or Securing services during September 2013. (File No. J1403B, Assessment No. 148102)

**Sponsors:** Lantry

**Referred to the City Council due back on 1/15/2014**

**11:00 a.m. Hearings****Summary Abatement Orders (NONE)****11:30 a.m. Hearings****Orders To Vacate, Condemnations and Revocations**

- 20**    [RLH VO 13-63](#)    Appeal of Tovah Flygare of SMRLS to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951 DESOTO STREET.

**Sponsors:**        Brendmoen

*Tovah Flygare of SMRLS appeared on behalf of tenant, Mildred Radcliff; Owner, Allan Peterson appeared.*

*Ms. Flygare:*

*-has an ETRA court action for December 16, 2013 @ 1:30 p.m. got this information this morning*

*-turned over the Summons and Petition Information and Notice of Hearing to Mr. Peterson*

*Ms. Moermond:*

*-vacate date is November 21st.*

*-questioned if staff has subsequent orders*

*Leanna Shaff, Fire Inspection Supervisor:*

*-reason it was written that way was because of the involvement of SMRLS and the ETRA*

*-waiting for the decision here*

*Ms. Moermond:*

*-questioned whether Ms. Flygare is providing a copy of the ETRA motion*

*Ms. Flygare:*

*-petition, exhibits, summons and notice of hearing*

*-don't have a copy but can send by email*

*-will be looking at City inspection documents only and not referring to the ETRA documents*

*-only other thing is the urgency of getting smoke detectors and carbon monoxide detectors in which our paralegal was at the property until they were completed.*

*Mr. Peterson:*

*-did a chronological order list of the items [provided to Ms. Moermond].*

*[Ms. Moermond reviewed the list]*

*Staff Report from Ms. Shaff:*

*-property has been difficult going back to last year; also in this hearing process.*

*-issue of deferred maintenance*

*-Ms. Flygare was involved with several tenants last year to have bldg into compliance*

*-made many notes on record*

*-bldg is "C" rated with required hearing later*

-current C of O cycle started September 2013; which on October 10, 2013 rec'd a complaint about problems throughout bldg such as cockroaches infestation; ceiling leaking onto floor which became black, possible mold issue in carpet area, smoke detectors beeping (landlord changed batteries but still beeping)  
-tenants speak Karen and needed interpreter  
-Inspector Tonnancour responded to the complt and also rec'd an email from owner to reschedule appt. Appt was granted a week.  
-There were other things going on. On 10/10/13, severe infestation of cockroaches throughout bldg, bed bug in one of the units, he called and left owner a message. On 10/24/13, no returned call from owner but got an email to reschedule. Inspector called owner and told him to exterminate entire bldg. Owner mentioned eviction for one of the units; he was told he would need to exterminate first. On 10/31/13 no show from owner and tenants stated they were unaware of inspection  
-Appt was rescheduled and new appt letter sent.  
-inspector rolled over to Fire C of O  
-11/14/13- owner stated he is sorry for missing appt (stated Nov 14, owner called); didn't know about appt so didn't let tenants know  
-continuation of no show for appts and not maintaining the property  
-when inspector was there, he heard smoke detectors chirping and he told representative to let owner know that he needed to repair the malfunction ones within 24 hours and access to property on Nov. 20  
-on Nov 20, Tonnancour left voice mail and sent email to meet up with owner at property at 11 a.m. Rec'd an email from owner, can't make appt but can knock on apt doors. -Inspector went to inspect and heard smoke detectors chirping while he was in the hall. He had no access to the units.  
-Informed Ms. Flygare, SMRLS, of the issues.

Ms. Moermond:

-questioned whether SMRLS represented the same tenants the year before

Ms. Flygare:

-did not represent the same; two clients last year and two different clients this year, understand the minor repairs is for the entire property so it affects all tenants.

Ms. Shaff:

-there are photos in Amanda.

-Bldg has lots of issues and it has not been maintained.

Ms. Moermond:

-questioned whether it's side by side bldg

Mr. Anderson:

-six units, 951 has 2, 4, 6 and 953 has 1, 3, 5

-at the Oct 31 meeting, we were there and were told that the inspector was out front. 5 of the tenants are refugees; he was there and the exterminator was going to be there from noon to 4. Tenants would have to vacate in Units 3 and 4 and he was trying to get them to understand that they need to vacate the units.

-An interpreter was not hired because they were not available; has been working through the Refugee Center. In one of the units, there was a young kid that speaks English

-easy on 1, 5 and 6 and the issues are in 3 and 4; think tenants are related. Those two units are the ones with the bed bug issue.

-has been training the tenants on sanitation issues; was in the bldg from 10 to 4 pm.

-assumed inspector would just go into the appts. Everything was finished except for the bed bugs. Most of the work orders were in Unit 2; asked for an extension on Oct 24 and inspector gave until Oct 31, told inspector they were going to be there with

exterminator.

Ms. Shaff:

-record showed that owner was a no show; tenants were unaware. It was not the expectation of the inspector to go looking for the owner.

Mr. Anderson:

-the unit that the inspector needed to inspect was in Unit 2 and he was in a different unit; the big thing was getting the bldg exterminated. Told tenants to bring their clothes to laundromat in one bag and bring back in another bag which didn't happen.

-he would have had them done on the 14th

-asking for the C of O to be lifted and for the new set of orders to be granted for 30 days.

Ms. Flygare:

-asking for a stay of vacate; became involved in mid-Nov when clients called them about the Revocation.

-in court proceeding for Dec 16; expect another hearing if orders are not done

-were here last year around this time; in previous case, one was moving and one in process of moving; didn't have the same experiences

-last year resulted in a settlement; need to ask Court to retain jurisdiction until repairs are completed and it might take longer than the Dec 16 hearing

-according to the list Mr. Peterson provided, our paralegal was at the property to check on the smoke detectors and carbon monoxide and noted that it was taken care of.

-issue was with the inside pest treatment and 60 outstanding orders; asking for time to go through the court system

-Mr. Anderson stated Unit 2 was ready for inspection and it was not her understanding from reading the inspection report and from Mr. Radcliff.

-took photos around the 20th or 22nd - still roaches and things still needed to be addressed

Mr. Anderson:

-Mr. Mildred and Dan got into an argument but both apologized to each other later [provided list to Ms. Moermond - Oct 10 set of correction order]

-inspection made on Oct 31 per request

-all items were corrected except for the bed bugs and it wasn't going to be done until the afternoon of Oct 31.

Ms. Moermond:

-questioned why it took the owner 3 weeks to get an exterminator there

Mr. Anderson:

-he had to prepare the tenants; attempted to get tenants to understand; tried to get interpreter and then a notice on Oct 28.

Ms. Moermond:

-interested in getting the extermination report

Ms. Shaff:

-she had a concern about the ongoing issue and was well aware of the codes and ordinances which enforced only the minimum.

-she is hearing that it's his tenants but the lack of maintenance is the owner

-need more active involvement



Ms. Flygare:

-questioned Mr. Peterson whether the notice to the tenants was in English or other languages

Mr. Peterson:

-notice was only in English and it was sent to the Refugee Center (MN Church Organization), as well.  
-the center was the one who brought the mattresses to the tenants which might have created the bed bugs  
-there was no bed bugs last year; treating roaches monthly

Ms. Moermond:

-didn't understand why getting an interpreter took so long  
-having communication issues and would need to get an actual agency that does interpreting

Ms. Flygare:

-she is asking the Courts to order all repairs on the correction orders if repairs are not done; there would be some remedies taken: can appt an administrator to take further action; has not been at the property since Nov. 22 so don't know what items are done and not done; ask Court to retain all jurisdictions until all repairs are done and to hold off on the vacate until the process is done. If better communications, tenants can seek help from advocates, court can order several remedies such as fines, tenants be allowed to make certain repairs and get reimburse or appoint an administrator to handle the repairs  
-would be an Order after Dec 16 hearing and it would be up to the Court to issue the order on the bench

Ms. Moermond:

-would like to coordinate with the Courts on this  
-this would be a better option

[Mr. Peterson asked for copies of the photos]

Mr. Peterson:

-no current evidence of ceiling leaking and on carpet  
-need more specifics on the items  
-he was not at the inspection with the inspector, Dan was there

Ms. Moermond:

-laid over to Jan 2, 2014 at 9:00 a.m. On hold until then; looking at Feb vacate date if things are not done.

**Laid Over to the Legislative Hearings due back on 1/2/2014 at 9:00 a.m.**

**21**     [RLH VO 13-65](#)

Appeal of Allen Peterson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951 DESOTO STREET.

**Sponsors:**     Brendmoen

Tovah Flygare of SMRLS appeared on behalf of tenant, Mildred Radcliff; Owner, Allan Peterson appeared.

Ms. Flygare:

-has an ETRA court action for December 16, 2013 @ 1:30 p.m. got this information this morning  
-turned over the Summons and Petition Information and Notice of Hearing to Mr.

Peterson

Ms. Moermond:

- vacate date is November 21st.
- questioned if staff has subsequent orders

Leanna Shaff, Fire Inspection Supervisor:

- reason it was written that way was because of the involvement of SMRLS and the ETRA
- waiting for the decision here

Ms. Moermond:

- questioned whether Ms. Flygare is providing a copy of the ETRA motion

Ms. Flygare:

- petition, exhibits, summons and notice of hearing
- don't have a copy but can send by email
- will be looking at City inspection documents only and not referring to the ETRA documents
- only other thing is the urgency of getting smoke detectors and carbon monoxide detectors in which our paralegal was at the property until they were completed.

Mr. Peterson:

- did a chronological order list of the items [provided to Ms. Moermond].

[Ms. Moermond reviewed the list]

Staff Report from Ms. Shaff:

- property has been difficult going back to last year; also in this hearing process.
- issue of deferred maintenance
- Ms. Flygare was involved with several tenants last year to have bldg into compliance
- made many notes on record
- bldg is "C" rated with required hearing later
- current C of O cycle started September 2013; which on October 10, 2013 rec'd a complaint about problems throughout bldg such as cockroaches infestation; ceiling leaking onto floor which became black, possible mold issue in carpet area, smoke detectors beeping (landlord changed batteries but still beeping)
- tenants speak Karen and needed interpreter
- Inspector Tonnancour responded to the complt and also rec'd an email from owner to reschedule appt. Appt was granted a week.
- There were other things going on. On 10/10/13, severe infestation of cockroaches throughout bldg, bed bug in one of the units, he called and left owner a message. On 10/24/13, no returned call from owner but got an email to reschedule. Inspector called owner and told him to exterminate entire bldg. Owner mentioned eviction for one of the units; he was told he would need to exterminate first. On 10/31/13 no show from owner and tenants stated they were unaware of inspection
- Appt was rescheduled and new appt letter sent.
- inspector rolled over to Fire C of O
- 11/14/13- owner stated he is sorry for missing appt (stated Nov 14, owner called); didn't know about appt so didn't let tenants know
- continuation of no show for appts and not maintaining the property
- when inspector was there, he heard smoke detectors chirping and he told representative to let owner know that he needed to repair the malfunction ones within 24 hours and access to property on Nov. 20
- on Nov 20, Tonnancour left voice mail and sent email to meet up with owner at property at 11 a.m. Rec'd an email from owner, can't make appt but can knock on apt

doors. -Inspector went to inspect and heard smoke detectors chirping while he was in the hall. He had no access to the units.

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-Bldg has lots of issues and it has not been maintained.

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-questioned whether it's side by side bldg

Mr. Anderson:

-six units, 951 has 2, 4, 6 and 953 has 1, 3, 5

-at the Oct 31 meeting, we were there and were told that the inspector was out front. 5 of the tenants are refugees; he was there and the exterminator was going to be there from noon to 4. Tenants would have to vacate in Units 3 and 4 and he was trying to get them to understand that they need to vacate the units.

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-the unit that the inspector needed to inspect was in Unit 2 and he was in a different unit; the big thing was getting the bldg exterminated. Told tenants to bring their clothes to laundromat in one bag and bring back in another bag which didn't happen.

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-asking for a stay of vacate; became involved in mid-Nov when clients called them about the Revocation.

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-Mr. Anderson stated Unit 2 was ready for inspection and it was not her understanding from reading the inspection report and from Mr. Radcliff.

-took photos around the 20th or 22nd - still roaches and things still needed to be addressed

Mr. Anderson:

-Mr. Mildred and Dan got into an argument but both apologized to each other later [provided list to Ms. Moermond - Oct 10 set of correction order]

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Mr. Anderson:

-he had to prepare the tenants; attempted to get tenants to understand; tried to get interpreter and then a notice on Oct 28.

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-notice was only in English and it was sent to the Refugee Center (MN Church Organization), as well.

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*be allowed to make certain repairs and get reimburse or appoint an administrator to handle the repairs*  
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*Ms. Moermond:*

*-would like to coordinate with the Courts on this*  
*-this would be a better option*

*[Mr. Peterson asked for copies of the photos]*

*Mr. Peterson:*

*-no current evidence of ceiling leaking and on carpet*  
*-need more specifics on the items*  
*-he was not at the inspection with the inspector, Dan was there*

*Ms. Moermond:*

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**Laid Over to the Legislative Hearings due back on 1/2/2014 at 9:00 a.m.**

**22**     [RLH VO 13-70](#)

Appeal of Thomas Homes, Inc. to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 215 SHERBURNE AVENUE.

**Sponsors:**     Thao

*Note: Confirmation sent by Ms. Vang to Clark Haigh, 2233 Hamline Ave N, Roseville MN 55113 was returned and received on 12/13/13.*

*Deny the appeal and grant an extension until January 1, 2014 for tenant(s) to vacate the property.*

*RE: 215 Sherburne Avenue (Duplex)*

*Starshania Cindrich, Upper Tenant, appeared.*  
*Mark Koran, Responsible Party, appeared.*

*Ms. Moermond:*

*- there is no owner information on the appeal form; Mr. McManus wrote that Thomas Homes Inc was the Appellant, not the owner*  
*- asked what name was filed with the Secretary of State*  
*- asked the business address of Thomas Homes Inc*

*Mr. McManus:*

*- we are the owner; I'm representing Thomas Homes Inc (Minnesota Corporation)*  
*- said that Clark Haigh was the owner file with the Secretary of State*  
*- current address of Thomas Homes Inc is 2233 Hamline Ave N, Roseville, MN 55113 (the address of Mr. Haigh)*

*Fire Inspector A. J. Neis:*

*- background on the file: this file was sent to him on Oct 14, 2013; he had heard a call on the Fire Dept radio that the squad went to check the stability of the garage after it had been struck by a vehicle; he went out to the property (Oct 14) and identified a U-Haul truck; the Fire Dept had cleared the scene and blocked off the area with caution tape; the garage was a total loss - knocked completely off its*

foundation; he called Steve Magner, Code Enf Mgr, and asked him to come to the scene, as well and to issue an Emergency Summary Abatement Order

- one of the workers there, representing Thomas Homes smelled heavily of alcohol, so, he called SPPD back to the scene; another worker identified that the worker had been drinking, drove the truck and knocked over the garage; Mr. McManus identified him as an employee of his, as well
- inquiring with Mr. McManus' employees, they indicated that Mr. McManus had gone down to Dorothy Day and asked who had a valid drivers license and if someone wanted \$100 to come with him to rent a U-Haul to clean out the garage

Ms. Moermond:

- DSI staff went out on an Emergency demo

Mr. Neis:

- he talked with Mr. McManus, when he arrived at the property, who said that he was a representative of Thomas Homes and gave him his business card; Mr. Neis told him that the city had a different owner on file for the responsible party; Mr. McManus gave Mr. Neis a new mailing address: 2000 Valley Creek Office Center, 1687 Woodland Drive, Woodbury, MN 55125, with a phone number of 608/789-2000 and an email address: tmcmanus@maco@yahoo.com

Ms. Moermond:

- Mr. McManus listed his address earlier as 2233 Hamline Ave N, Roseville, MN 55113 (the most current corporate address)

Mr. Neis:

- Oct 14 - he also issued written Correction Orders immediately to Mr. McManus at the Woodbury property address, listing the violations he found at the property, indicating that the vehicle had struck the garage; Code Enforcement was doing an Emergency Abatement (Orders on the front stairs and the 16 violations that Mr. Neis had identified)
- Mr. Neis asked Mr. McManus to allow him access and was able to access only the upstairs unit; Mr. McManus did not have access to the downstairs unit
- a compliance date was given: Nov 14, 2013
- he received a call from SPPD and from Mark Koran indicating that there were some fraudulent transactions going on at this property and the files were under review
- Mr. Koran had received the Orders that were issued Nov 8, 2013; he contacted Mr. Neis to say that he had the Power of Attorney over the owners of the house, James and Karen Sampson, who had lived there for quite some time; he believed that the house had been fraudulently acquired and that he had documentation to that effect; Mr. Koran provided Power of Attorney documentation; additionally, he provided him with letters from the mortgage company indicating that Mr. McManus has no entitlement to the property or anything of that nature
- believes the house is currently in default and will soon be in foreclosure

Mr. Koran:

- he has Power of Attorney over Karen; James is deceased
- Karen and James Sampson owned the house together but they had been separated and Karen lived there until Jun or Jul, 2013 while James went to the Mission; there was a mutual Restraining Order between the two; once Karen moved out, James moved back into the house with a couple of other people from the Mission; James met Mr. McManus while he was at the Mission; James has since passed away
- Karen and James owned jointly and had lived in the house for over 50 years
- the house is currently in default and will soon be in foreclosure; there has been no sheriff's sale
- World Finance is the bank and R & S Reverse Mortgage Solutions is the servicer

- both James and Karen's names are on the reverse mortgage
- there are 2 unsatisfied liens on the property
- the only thing that's changed, which makes it look like Thomas Homes owns the house, is that Mr. McManus influenced his inlaws to sign a Quit Claim Deed to change the title of the property (anybody can do that if you don't follow the rules); it's recorded and it looks legit; it looks as though everything is owned by Mr. McManus; the reality is that it isn't

Mr. Neis:

- he wrote Orders on this property
- Mr. Koran told him that there were "No Trespass Orders" against Mr. McManus - he could not set foot on the property
- Mr. Koran met with Mr. Neis and filled out a formal Fire Certificate of Occupancy application on Nov 8, 2013
- Mr. Neis contacted SPPD because he believed that Mr. Manus was in the house one day when he drove by; SPPD found him there and issued a No Trespass Order to him
- on Nov 8, Mr. Koran, who had access to the lower unit of the property, allowed full access to the downstairs, where he identified additional code violations
- Mr. Koran told him that he had no intention of fixing anything on the property; he would like to see it go back to the bank (voluntary surrender)
- Mr. Neis told him that he would Revoke the Fire C of O for noncompliance (there had never been a Fire C of O nor provisional C of O)

Ms. Moermond:

- reiterated: this is an owner-occupied duplex; there's no Fire C of O until it's applied for on Nov 8, 2013 and simultaneously, it was Revoked

Mr. Neis:

- the initial order in Oct was actually a referral inspection
- he opened up a C of O file because of the information Mr. McManus had given to him the day of the garage collapse, Oct 14, 2013, when he issued Orders, which are in the system
- Mr. Koran provided access on Nov 8, for the full C of O inspection; at that time, Mr. Neis Revoked the C of O and Order to Vacate by Nov 27, 2013; an appeal was filed
- SPPD is present here today to give some information on the ownership piece of the property
- there's no Truth in Sale of Housing Report

Mr. McManus:

- submitted a chronology of events from Jul 4, 2013 - Dec 3, 2013
- unfortunately, we have to deal with the ownership issue because the ownership issue has a direct effect on the current owner, Thomas Homes' ability to comply with these abatement Orders; when Thomas Homes became involved in this and during the time the Purchase Agreement was made and a subsequent Means of Conveyance was made, the house was a disaster: 75 cubic yards of debris was in the basement, much of it lying next to the furnace; another 50 yards of debris on the first floor; the lower level of the house was full of junk and debris; the upper level was occupied by tenant, Starshania Cindrigh; the garage was chuck full of broken appliances, broken furniture, gasoline cans, etc.; the condition of the house was in the most filthy, unkept, disastrous looking house they had ever seen in their lives
- in Jun 2013, there was a violent domestic situation between Mr. and Mrs. Samson; that case was heard by Judge Stevenson and it was brought to the attention of the court that the house was then in default and facing foreclosure
- the Judge issued an Amended Order, Exhibit A, dated Aug 1, 2013 and signed by the Judge, which says that foreclosure is likely eminent; the current owners are not

able to care for this property, financially, or any other way

Ms. Moermond:

- doesn't see anything in the Orders that addresses the ownership of the property changing

Mr. McManus:

- the Orders say, "that accept through Cindy Koran (Mr. Koran's wife) and solely for the purpose of disposing the jointly owned property at 215 Sherburne Avenue," so the court was aware of the inability of..... his understanding was that the court had come to the conclusion that foreclosure would be likely; that the property was in very bad condition and that they wanted it sold; the court was encouraging cooperation between Karen and James Sampson to work together to effect a sale of the property (Ms. Moermond: that no way affects the ownership of the property; that's saying the court wants them to work together to sell it); with this Order from the court, James and Karen came to the conclusion that they should sell the property - back in Aug 2013 before he was involved with this, they contacted a real estate agent, Tom DeLisle, who came to evaluate the property; Mr. DeLisle determined that the property had a valuation between \$30,000 - \$40,000 in the condition it was in; at that time, the debt on the property was in the range of \$120,000

Ms. Moermond:

- asked Mr. McManus if Mr. DeLisle was there on Mr. McManus' behalf; he answered, "No - Mr. DeLisle was called in as a guy who knew the area by Mr. Samson, who was trying to get an idea of what the property's valuation was"

Mr. McManus:

- Mr. DeLisle told Mr. Samson that if the house were cleaned out..... (the debris took down the value of the house)... then, he'd put the value of the property at \$70,000 (Ms. Moermond: she has seen a lot of clean-outs of houses and a clean-out of this nature is going to run about \$5,000; in her experience, Mr. DeLisle's numbers don't jibe); that's interesting because, in fact, that's about what the cost was, about \$5,000 to clean it out

- most of the items were taken out of the garage when the truck hit the garage

- he thinks that he owns this property

- he also disputes the results of the C of O inspection; there's a Purchase Agreement for the house, so the ..... for that Purchase Agreement ----

- the Abatement Order Nov 8 that was sent to Mark Koran only -- we didn't receive this Order, not aware of this Order; was not aware until the Revocation /Order to Vacate was posted on the door (Ms. Moermond: sounds like you didn't file yourself as an owner with the Fire Certificate of Occupancy Program; this is a rental property, not an owner-occupied property; therefore, it needs a Fire Certificate of Occupancy; Mr. Koran filed for the Fire Certificate of Occupancy the same day that it was Revoked; the city does not have a previous Fire C of O listed in Mr. McManus' name); we were unaware of that requirement

- #1 on the deficiency list, dated Nov 8, 2013 says the occupancy is Condemned as unsafe and dangerous; must not be used until reinspected and that the garage is a total and created a dangerous condition. Order Enforcement to Order an immediate Emergency Abatement

- Oct 14, 2013, the garage was removed in its entirety from the property (the garage had been gone for nearly 1 month before the list came out on Nov 8)

- #2, 3, - #22 are things like determining the stairways were unsafe, porch, decks, etc. repair/replace in an approved manner; larger address numbers on the door

- and what does it mean to provide and maintain foundation elements? house was built in 1889?

- provide and maintain all exterior walls from holes and deterioration - the house was



*re-sided less than 5 years ago, we see no defects on the exterior*

- *all parking spaces shall be paved with asphalt, concrete - durable, dustless surface; house has been there for a long time with no driveway*
- *there is no combustible storage to be removed*
- *many items are vague - it's uncertain as to what is really needed/wanted (maintain floor and ceiling in approved manner)*
- *he doesn't see things that are deficient rising to the level of any safety concerns, whatsoever (one of these issues is a piece of tile with a small crack)*
- *he has built a lot of houses and he does not see these things as defects; these things may appreciate the value but are not defects, not safety issues*

*Ms. Moermond:*

- *explained that if there is something that exists on a property, whether it's flooring, foundation, etc., it doesn't really matter when it was put in; it needs to be kept up in a professional state of maintenance*
- *looks as though these are all called out under the Property Maintenance Codes*

*Mr. McManus:*

- *his second issue: on Oct 27, 2013, Mr. Koran handed him No Orders; up to that time, Thomas Homes is continuing to try to take care of this property: taking out junk, clearing out the yard and spending a considerable amount of money to do this; then, we were told not to trespass onto the property; he was over there visiting Ms. Cindrich and SPPD came out and gave him a citation for trespassing onto property, which he believes is his property*

*Ms. Moermond:*

- *reiterated: Mr. McManus believes that the property maintenance violations do not together come to a level that would justify Revocation of the C of O; and that he didn't receive Notice of these things; he talked earlier about the Fire C of O issue and the Truth in Sale of Housing Inspection Report is nonexistent*

*Mr. McManus:*

- *condensed it by saying that: 1) he disputes the defects as being at a level that would be a fire hazard; 2) we were aggressively attempting, to the tune of about \$5,000, to put forth an effort to get that place ship-shape and then weren't allowed to continue; he doesn't believe that Mr. Koran has any authority to issue No Trespassing Orders to them because we (Thomas Homes) are the owner, which is supported by documentation and by title insurance policies that have been given by Chicago Title*

*Ms. Moermond:*

- *ownership is in dispute here*
- *she will develop a recommendation for the City Council to consider on this matter; they are the decision makers*
- *with respect to the Order to Vacate the property, she needs to make a temporary decision on that until this issue goes to the City Council (Dec 18, 2013); the CC may reverse her decision*
- *Ms. Manus' next stop is in front of the City Council Public Hearing, Dec 18, 2013; an appeal beyond their decision is in Appellant Court*

*Mr. Neis:*

- *photos in the file to some of the existing code violations*
- *regarding the exterior of the house, concrete blocks used for the front steps was not approved in 1880; the address is alpha but needs to be numerical; the foundation has holes and cracks, which have been filled with foam insulation, which they did not have in 1880*
- *the parking space would not be grandfathered-in because the Orders state in Bold,*

there is no longer an approved parking surface because of the garage demolition  
- re why #1 was still left on the Order - based on the fact that he had never met Mr. Koran before and since he identified himself as the responsible party, he was advising him that #1 was simply notification as to what had happened on the garage; it was abated on his re-check (notified on actions taken by DSI in Code Enforcement)  
- DSI doesn't have any information in regards to Thomas Homes (Mr. McManus: it's a MN corporation since 1974 and Clark Haigh is listed as the representative of this corporation listed in the Secretary of State's Office; Mr. McManus is a shareholder and a Vice President; President is Steve Johnson)  
- he can't issue a Fire Certificate of Occupancy without understanding who the true owner is  
- Chapter 40.06 justifies Revocation - 1) "every effort to make reasonable accommodations to find who the owner is" - grounds for Revocation; 2) if the Fire Marshal, fire inspector or code official is given false information in regards to the C of O - is grounds for Revocation

Ms. Cindrich:

- she is living there with her 8 year old daughter  
- she is Mr. McManus' tenant and she wants to keep her housing  
- she has heard very little but understands that Thomas Homes owns the property (title)

Mr. Neis:

- from his understanding, Ms. Cindrich is also a Vice President of Thomas Homes (Ms. Cindrich: I'm a VP of Macco Property, a division of Thomas Homes); Mr. McManus: for a period of time, Thomas Homes was a division of Macco Property, an Illinois Corporation, currently not operating in Minnesota; Ms. Cindrich travels to Wisconsin when Macco does work down there; she does land acquisition for Macco, a developer, located in LaCrosse, WI; Thomas Homes is no longer a division of Macco  
- the email address from Mr. McManus is tcMcManus.macco@yahoo.com, which coincides with ..... ; additionally, Mr. McManus hired Ms. Cindrich to work for Macco; he is curious how they would hire someone for a company that no longer exists; (Mr. McManus: I do consulting for Macco; he does not consider himself an employee of Macco)  
- Mr. McManus is claiming Macco with the Yahoo account

Ms. Moermond:

- she wanted to ascertain what the relationship of Ms. Cindrich was to all of this going on and any disclosures about foreclosure, etc.

Mr. Neis:

- the reason he brought up the relationship is that if Mr. McManus hired her as a Vice President of Macco or whomever these companies are, it would be our understanding that she would be well aware of the current situation of the property and its condition with the bank: foreclosure, etc.; property acquisition is what she does for Macco and so she should well understand the condition of the property for the company she allegedly works for

Ms. Cindrich:

- she was aware of the foreclosure before it came about; when she moved there, she moved from a violent situation and Jim and Karen allowed her to stay there; Karen told her then that the place was under foreclosure; a friend of hers had lived there prior to her living there - and she even knew of the foreclosure coming; Karen told her that she didn't know how much longer they would be there and when the bank came to foreclose, she, too, would have to move

Mr. McManus:

- he thinks that the ownership of the property is, in their opinion, really not contestible; whether germane to this discussion or not, the record is pretty clear, what was going on (they had a reverse mortgage on that house); Ms. Cindrach and others paid \$700/month rent; the terms of a reverse mortgage include that you must pay the real estate taxes; the Samsons took the rental income and whatever income they got from any source and spent it, never paying a cent of real estate tax

- when Thomas Homes became involved with the house, things started to change for the better and continued to be corrected until a relative, coming in under a Power of Attorney status, handed him a "No Trespassing Order"

- when we inherited that thing, we immediately set forth to straighten things out (Ms. Moermond: you inherited the mortgage?); when we took title subject to the mortgage, we commenced...(Ms. Moermond: I never heard of that); well, that's the way some real estate transactions occur and that was the way this type deal occurred; this is what they call a short sale mortgage (Ms. Moermond: a short sale mortgage is with an agreement from the bank that they could do that and I'm hearing that there was no such an agreement); well, that's not for sure; (Ms. Moermond: do you have documentation from the bank that they approved the short sale of the property?) No, I don't have current documentation because the bank doesn't correspond with us, directly; (Ms. Moermond: because you don't hold the mortgage)

- when they took the mortgage, a letter was sent to Mr. Koran from the Oppenheimer Office, Mpls

Mr. Koran:

- is not sure if there's anything accurate or legal about anything that Mr. McManus has done

- history of Mr. McManus knowing James Samson: he befriended him during the separation; he appeared to be helping Mr. Samson (Mr. Koran had not met Mr. McManus until Oct 5, 2013); when Mr. McManus was talking about the courts and facilitating in the sale of the property - he, Mr. McManus has driven everything from having Tom DeLisle in the house; his inlaws, unfortunately, neither one of them was in their right mind; and secondly, they didn't have any legal right to transfer the title of the property, period!

- Mr. McManus was influencing them; telling them that he was building them some house; telling Star that he was building her some house - they get to live in it rent free; he promised them \$3,000-\$5,000 if they could facilitate it

- a letter was sent to his wife, Cindy, who is the intermediary because her two parents couldn't communicate with each other; Mr. McManus was trying to influence them and get Cindy to influence her mom to try to sign it but she wouldn't sign it - would not participate in this, at that time

- he and no one else believed that Mr. McManus was going to build them a house for them until his wife said that they saw building plans at the house

- his first interaction with Mr. McManus was on Oct 5, 2013, the day his father-in-law, James Samson, died; he and his wife went to the house to get his clothes for the mortuary and they found that the locks had been changed on the house by Mr. McManus (my first indication that something was wrong); he soon learned that many other things were wrong in this entire thing from the title search because it's in his best interest, financially, to not do a title search

- Mr. McManus, in his mind, legally transferred the title from Mr. Koran's inlaws to himself; Thomas Homes appears to be the owner on all the documentation (Thomas Homes has been an active corporation in Minnesota for only 3-4 years since 1974, and he believes that the most recent registration was in Oct; at the same time, they changed the executive offices from Thomas Homes to 215 Sherburne Ave, property in question)

- the "No Trespassing Order" was determined null and void so that they could gain

access and continue to gain access to the property so that he could get it kind of resolved - get it back to the legal owners, which is R & S Mortgage and get this wrapped up for his mother-in-law because it's the right thing to do and he is trying to prevent Mr. McManus from stealing from someone else by selling this property illegally; because what's going to happen - the bank still owns it regardless of the documents but the title .....

- he does not dispute the condition of the property; it's horrendous; they moved out 25 years ago, and that's when the maintenance stopped; James and Karen were disfunctional alcoholics and Mr. McManus took advantage of them

- when Mr. Koran met Mr. McManus on Oct 5, 2013, he was saying, "Who's going to pay the \$3500 into this clean-up?" and "Who was going to pay for the storage of the personal property that he had taken out of the house?" Subsequently, he took additional personal property without permission on Oct 5, 2013

- not sure that the Woodbury corporate address even exists

- is not even sure that Thomas Homes is a functional, active business

Mr. Neis:

- has checked with leasing agents about the Woodbury address that Mr. McManus (Thomas Homes) had given to him (he gave it to the Mayor's Office last week) for his business, and that address never had existed; the property itself, is there; the building itself, is there; has emails from the property management company, which say that Mr. McManus had inquired about leasing a space from them; may even have gotten a key but he has never been in that property; however, all of this correspondence says that he was residing there; that, in itself, under Chapter 40 - giving false information was grounds for Revocation of the C of O; he even had provided the courts of this false information (2006 Valley Creek Office Center, 1687 Woodlane Drive, Woodbury, MM 55125)

Mr. Koran:

- so many things point to Mr. McManus as someone who doesn't care about or has total disregard for the law / being a facilitator of manipulation to incapable and vulnerable adults

- he had questioned Mr. McManus when he met on many things; he had asked, "How can you sell the home when there's an active mortgage out there?"

- this entire thing seems very obvious

- he wants to make sure the property goes back to the proper owner; he is trying to get it vacated; he issued Star a letter of Eviction on Oct 27, 2013 (Ms. Cindrich: ..for not paying the rent, which is not accurate; this was written on plain paper and served on a Sunday); Mr. Koran said that was correct - his mother-in-law had told him that Ms. Cindrich's rent was \$500

- during the time that Mr. McManus was trying to facilitate the relationship between Jim and Karen, Karen was driving down to pick up the rent and basically, leaving Jim penniless for a few months while he was in the mission; Mr. McManus told Jim that "that rent money belongs to the bank," because the property taxes had not been paid; he told Jim and Karen that the rent money was being redirected and he was managing - he had contacted the mortgage compny - so that it goes to the proper authorities; the reality is that he had the rents redirected from Star to himself or Thomas Homes; that's why he issued the Eviction Notice for failure to pay rent to the legal owners

- check the email address, MaccoPlex Plex which their other development - the site is registered to Thomas McManus at the same McManus yahoo accout as described

- Mr. McManus knows how to make everything look legal and legitimate but in the back end, he's just trying to reward himself, financially and Ms. Cindrich is completely aware of everything that they've done; the foreclosure doesn't matter to them if you chose to rent a foreclosed property - that's their issue; the legal standing of the property has no bearing on her rent or her tenancy

- he has copies for R & S, along with a copy of the Power of Attorney, which were entered into the record
- Mr. McManus also influenced Cindy's dad, James, to sign a document so that he could represent Jim with the mortgage company (Mr. Koran has had that terminated)
- Mr. Koran is the legal representative on behalf of Karen Samson

Mr. McManus:

- the hearing officer has heard a plethora of character assassination; there's been no rebuttal to the fact that the property was allowed to deteriorate substantially until the time they took it over

Ms. Moermond:

- my neighbor's garage is a mess and just because I go clean it up and pay for the dumpster doesn't mean I own their garage

Mr. McManus:

- as a matter of fact, we had lumber and building materials sitting along side the end of the garage that were destined to go to fix up that stairs, none of which we had created; and that was carted off by the city's enforcement people

Ms. Moermond:

- that's improper exterior storage- it needs to be stored inside some place

Mr. McManus:

- Mr. Koran has told us that he has no intention of doing anything with the property; his only goal is to somehow be the guardian angel for the lending institution - that's the only thing that he got out of this discussion
- business law would tell you that the bank does not own the property; the bank has a security interest in the property but they do not own the property
- he thinks that this has been an assault on them; they have been trying to do the best they can
- he thinks that the hearing officer should rule that this was an improper Notice to begin with; never sending it to the record owner (we're here today to talk about it)
- Ms. Cindrich would be adversely affected by the Revocation/Order to Vacate

Mr. Koran submitted documents for the record: 1) 2 mortgages; 2) Quit Claim Deed; etc.

Ms. Moermond:

- right now, the Fire Inspection's Division, DSI, has the authority to Revoke the Certificate on the empty unit; that unit could be referred to the Vacant Building Program (bldg is partially unoccupied)
- in terms of this list of Orders, she sees a good portion that have to do with property maintenance and needs to be taken care of and she doesn't see any prospect of that being dealt with by Mr. McManus or Mr. Koran, which is important to her
- based on the testimony of everyone, the Revocation issued by DSI should stand under 40.065: "If the owner, in a material manner, fails to comply with the regulations in Section 40.09 of this Chapter or in situations where the Fire Marshal, after a good faith effort, cannot identify an owner or interested party....."
- we have a morass that needs to be decided; we have police involvement; we have private litigation going; etc., all kinds of things making it impossible to determine ownership; the Vacate date written in the Orders is Nov 27, 2013, which has come and gone
- will recommend a Vacate date of Jan 1, 2014
- City Council Public Hearing Dec 18, 2013 at 5:30 p.m.

**Referred to the City Council due back on 12/18/2013**

**1:30 p.m. Hearings****Fire Certificates of Occupancy**

- 23 [RLH FCO  
13-261](#) Appeal of William Wilson to a Correction Notice - Complaint  
Inspection at 801 ARMSTRONG AVENUE.

**Sponsors:** Thune

*Laid over so that the Fire Certificate of Occupancy inspection can be made on the interior of the property.*

*RE: 801 Armstrong Avenue (Single Family)*

*William E. Wilson, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- *Fire Certificate of Occupancy complaint inspection done by Inspector Jeremy Hall*
- *received complaint Nov 6, 2013 which said the front porch was falling off; gutters on one side of the house have almost completely fallen off; pantry leaks badly and there's mold under the paint, which is all coming down in several layers; bathroom leaks into the kitchen ceiling; basement floods so badly that the pilot light on the water heater goes out and cannot be lit until it dries leaving no hot water for days*
- *Mr. Hall responded on Nov 13, 2013; he has made numerous attempts to enter the building*
- *this building was also due for a Fire C of O inspection 6 months ago; we have not had access*
- *inspector wrote Orders on the roof (emailed pictures over yesterday); looks like there's probably some ice dams*
- *shingles on roof are quite deteriorated and need to be replaced (curling, some are gone)*
- *some of the brick has fallen from the chimney; needs some tuckpointing*
- *when inspector went into the porch, he noted that there's a lot of deflection in the floor (spongy); he took pictures of where the porch is pulling away from the main structure; that area of town has a lot of water running underneath buildings*
- *there are points down West 7th Street where there are rivers running underneath the ground*
- *supporting members are sinking; the porch is pulling away from the house*
- *we need access to the house; we have some concerns with photo evidence*

*Mr. Wilson:*

- *background: bought house in 2003; had it for 10 years*
- *has paid every mortgage payment; bought it for \$138,000; now worth \$114,000*
- *he knows that it needs a new roof; has been saving up for it (has about \$4,000 saved now)*
- *unfortunately, has had 2 bad tenants and from the nature of the complaint, he knows it's the tenant who filed the complaint; the tenant caused that water damage in the pantry because she was using the hand held shower up in the bathtub upstairs; she took off the shower curtain and left the shower head outside of the side of the tub so the water went right down the wall into the pantry*
- *she left him with \$3,000 worth of damage in the house; that includes trips to the dump, water damage, she broke the sink upstairs in the bathroom*
- *people have been working in the house for the last 2 weeks; they are also replacing the kitchen floor*

- this tenant skipped out as soon as she could; he gave her 2 1/2 months notice
- she ripped off the front screen door on the porch; the door was open and the house was trashed
- thankfully, she didn't destroy more
- the gutter on one side of the house is off about 6-8 inches; he will have that repaired
- when he bought the house, the porch was that far away from the structure; when he had it inspected, the inspector told him to watch it and if it continues to pull off, then he would need to do something about it but for the moment, it was safe; in the Correction Notice it says "repair or replace; unsafe" - it's not unsafe; you can see how far away it is from the house at the top; at the bottom, it's secure; it hasn't moved in 10 years; there is a pitch to the floor; he disagrees that the porch floor is spongy; it's wood and relatively solid - doesn't have holes
- the roof - needs to be "weather tight and free from defects" and it is weather tight; he knows it needs to be replaced but it's not leaking; if it were leaking, he'd have it replaced immediately; he is working on it - he is saving; he's been quoted \$6,000 to replace it; he can probably do that next year, not right now
- inspectors can gain access to inspect; he doesn't think that there are any safety issues
- he is willing to work with whomever to come up with a plan

Ms. Shaff:

- storm windows on the porch are aluminum and can't even sit within the framing anymore (Mr. Willson: it's been that way since he bought it; hasn't moved)

Ms. Moermond:

- would like some more information so she can craft a resolution
- for exterior issues, she breaks them down into those items that can be handled now, like holes that can be sealed; those that are weather sensitive can wait until warmer weather (not good time to paint, etc)
- it's important to get an inspector inside
- this building is borderline between getting a C of O re-instated or being put into the Vacant Building Program (4 trades inspectors going thru the property and compiling a laundry list of things that need to be done; the list will be much more narrowly crafted if it's in the Fire C of O Program)

Ms. Shaff:

- reinspection is scheduled for Friday, Dec 13, 2013 at 12:30 p.m.; will do the Fire C of O inspection at that time

Ms. Moermond:

- we'll figure out a plan of action from the findings
- will lay this over to 1:30 p.m. Dec 17, 2013 Legislative Hearing

**Laid Over to the Legislative Hearings due back on 12/17/2013**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 24     [RLH VBR 13-66](#)     Appeal of Aychoeun Tea, on behalf of owner Oudam Tun Tea, to a Vacant Building Registration Renewal Notice at 873 GALTIER STREET.

**Sponsors:**     Thao

*Waive the Vacant Building fee to March 4, 2014.*

*RE: 873 Galtier Street (Duplex)*

*Aychoeun Tea, appeared on behalf of her son, Oudam Tun Tea.*

*Matt Dornfeld, Vacant Buildings:*

- Vacant Building Registration*
- property was Condemned by Inspector Craig Meshuga on Nov 6, 2012 due to an electrical shut-off*
- was transferred to the Vacant Building inspector Mike Kalas and made a Category 2 VB on Nov 29, 2012*
- Inspector Kalas noted: deteriorated roof and some rotted, dangerous boards on the deck*
- as of Jun 11, 2013, the new property owners went through the city's sale review process and was approved by Reid Soley on Jun 11, 2013*
- a Code Compliance inspection was done Apr 25, 2013*
- currently, there's an open plumbing permit and an open building permit*
- does not see an electrical nor a warm air-mechanical permit on file*
- the VB fee is about 1 week past due*
- 2012-2013 VB fee was paid by check*
- final warning letter for the 2013-2014 VB fee went out Nov 29, 2013*

*Ms. Tea:*

- appealing because they are almost done; inspector thinks that everything will be approved in 2 weeks*
- she is asking for 2 months to make sure that everything is finished*

*Ms. Moermond:*

- will recommend that 3 months be granted to finish and get the Code Compliance Certificate and will waive the VB fee until Mar 4, 2014*

**Referred to the City Council due back on 12/18/2013**

**25**     [RLH VBR 13-71](#)     Appeal of Scott and Beth Jutila to a Vacant Building Registration Notice at 977 HAZELWOOD STREET.

**Sponsors:**     Bostrom

*Waive the Vacant Building fee to April 1, 2014.*

*RE: 977 Hazelwood Street (Side by Side)*

*Scott and Beth Jutila, owners, appeared.*

*Matt Dornfeld, Vacant Buildings:*

- Fire Certificate of Occupancy Revocation dated Oct 29, 2013 by Inspector James Thomas*
- Vacant Building inspector Dave Nelmark opened a Category 2 VB Nov 1, 2013*
- Inspector Nelmark noted: dwelling in poor shape; roof, shingles worn and loose; rotting siding and wood on windows; dilapidated stairs and window frames; missing steps on rear stairs; major holes, voids in concrete block foundation; he issued a Summary Abatement for tires, wash machine and debris in yard; also, the gas meter valve was open; a Work Order was issued for yard debris on Nov 7, 2013*

*Fire Inspector Leanna Shaff:*

- lots of "no show" for the C of O inspections*



- inspector noted the house was unoccupied and being remodeled without permits

*Ms. Jutila:*

- the neighbors put the wash machine and tires on their yard
- bought property in 1981 and they lived there for 29 years; it was a wonderful place to raise a family
- they bought it through the Family Housing Fund and as part of that, they brought down the cost of the mortgage so that the down payment wouldn't be as high; and so there was a \$19,500 second mortgage; the stipulation was that they couldn't rent the house until the main mortgage was all paid off
- they moved after 29 years and thought that they would fix up the house and sell it but they had to pay off the main mortgage first; finally was paid off in spring
- they started to take out the carpet and paint, etc., and didn't realize that they needed a permit to do that type of work
- her husband collapsed last year with a heart attack so he hasn't been able to do anything
- they want to sell it now; they feel a responsibility to their neighbors - there's a lovely family that shares the adjoining house
- since they moved out, the house has deteriorated
- they have been in contact with Habitat For Humanity; they are interested; things are still in the works but it looks promising; contact is Mike Nelson, Land Acquisition Mgr, #612/305-7178; [mike.nelson@tchabitate.org](mailto:mike.nelson@tchabitate.org); they have never done a twin home before, so they are moving cautiously; hopefully, it will be a done deal by the end of the year
- they are concerned about the fine that they need to pay
- asking what steps they need to take in order to donate it to Habitat; they want to make sure they are doing everything they need to do
- if Habitat doesn't work out, they will need to fix it up and sell it; however, they have tried to get loans and weren't able to from U.S. Bank (they own another home and live near this one?)

*Ms. Moermond:*

- in order to transact the property, you will need to have a Code Compliance inspection done, even with Habitat; call Jim Seeger to set up an appointment (\$474); Ms. Vang provided the application form
- if Habitat is going to take the house, they will do the things on the deficiency list and probably a few extra things
- the 3rd option is to sell it to someone who is willing to do the rehab and can demonstrate that they are going to do it (you'll need to get a buyer who has done this sort of thing in the past - realtors could help you navigate this)

*Mr. Dornfeld:*

- if the Appellants are going to donate the home to Habitat, he suggests talking with Mr. Nelson at Habitat to see if they might order the Code Compliance inspection and maybe even pay for it

*Ms. Moermond:*

- it's fine for Habitat to contact Jim Seeger and order the Code Compliance inspection
- wants to give the Appellants time to transact the property before the VB fee kicks in (waiver); the VB fee will attach to the property; if you don't pay the bill now, it will go onto the property taxes and will need to be dealt with when the property is sold, transferred

*Mr. Dornfeld:*

- has no problem putting a "hold" on the VB fee

*Ms. Moermond:*

- recommends putting a "hold" on the VB fee until Apr 1, 2014
- if the place isn't fixed up by Apr 1, 2014 (have a Code Compliance Certificate), we'll talk about the VB fee again
- we will be setting it up so that Appellants or Habitat can order the Code Compliance inspection right away
- if Habitat doesn't take the property, either the Appellants or the buyer will need the Code Compliance Inspection Report

**Referred to the City Council due back on 12/18/2013**

### Staff Reports

- 26 [RLH VBR 13-69](#) Appeal of Ira Kipp to a Vacant Building Registration Notice at 1083 RANDOLPH AVENUE.

**Sponsors:** Tolbert

*Appeal withdrawn. Per Mike Cassidy, all work is completed and the Fire C of O is approved. VB file has been closed.*

**Withdrawn**

### Window Variances: No Hearing Necessary

- 27 [RLH FCO 13-259](#) Appeal of Linda McInerney to a Daycare Inspection Correction Notice at 66 FLANDRAU PLACE.

**Sponsors:** Lantry

*Grant an 8-inch variance on the openable height of the egress windows in the second floor bedrooms. (No hearing necessary)*

**Referred to the City Council due back on 12/18/2013**