



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, December 5, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 17-555](#) Deleting the Appealed Special Tax Assessment for Property at 1093 ARGYLE STREET (File No. J1804A, Assessment No. 188503).

Sponsors: Brendmoen

Barbara Olfelt, owner, appeared.

Ms. Moermond: this looks like a cleanup assessment.

Supervisor Paula Seeley: orders sent Sept 20th, compliance date of 26th, rechecked 27th, work done on 28th for for \$322. Sent to occupant and Barbara and John Olfelt in Lake Elmo, and Ryan Olneck on Argyle.

Ms. Olfelt: are they saying the city did this? The contractor told me he did it

Ms. Moermond: We're having video problems which may work in your favor. We almost always have a video but we're coming to the end of the life of the technology.

Ms. Seeley: video hasn't been finalized

Ms. Moermond: I'll recommend it gets deleted.

Delete the assessment.

Referred to the City Council due back on 1/17/2018

- 2 [RLH TA 17-545](#) Deleting the Appealed Special Tax Assessment for property at 41 ATWATER STREET. (File No. J1804A, Assessment No. 188503)

Sponsors: Thao

Sharon Bruestle, owner, and Jody Johnson, renter appeared.

Supervisor Paula Seeley: SAO, orders sent Aug 29, compliance date Sept 5, recheck

Sept 6, work was done Sept 6 for \$479, no mail return, sent to occupant, Epstein .
Remove couch and washer from backyard.

VIDEO WON'T PLAY

Ms. Moermond: why are you appealing?

Ms. Johnson: we are appealing because we get a lot of dump offs. There's more trash. I had called before because there is a lot of dumping. I had called a number of times about the dumping. And I told them about there was another one which was the couch. The city said they would take care of it. About 2 or 3 months later all of a sudden they come to get it. I'm injured so I can't help it.

Ms. Bruestle: she called the city, we were both under the impression the city would come and get it and not charge us

Ms. Moermond: is there an alley? Do they dump in your alley or your yard

Ms. Johnson: there's an alley. No one drives in that building. I've called a number of times. I did talk with Sean Westenhoffer, his supervisor tried to call me back but we haven't connected.

Ms. Moermond: Lisa Martin is here is the supervisor. I recommend this gets deleted. Hopefully the organized trash collection will help.

Delete the assessment.

Referred to the City Council due back on 1/17/2018

3 [RLH TA 17-539](#)

Deleting the Appealed Special Tax Assessment for property at 475 BANFIL STREET. (File No. J1804A, Assessment No. 188503)

Sponsors: Noecker

Diana Evans, property manager Twin Cities Mojo, Gerry Evans (Father).

Staff report from Supervisor Paula Seeley: This was a SAO. Orders sent Aug 30, compliance Sept 6, recheck Sept 6, work was done Sept 13th for \$508. Orders sent to occupant and Cross family real estate holdings on Mount Curve in Mpls, and Cross Family in White Bear Lake. Remove scattered debris from side of house, basketball hoop, grill part, ottoman, cut back tall grass and weeds.

Ms. Evans: I believe it was done, he does our cleanup for us, I have pics. I had tenants do the yard and we cleaned up the debris and took it offsite.

Ms. Seeley: we can't find the video

Ms. Evans: shows pictures from phone to Ms. Moermond. Sept 4, 2017 everything was cut. Shows pictures of debris that was moved.

Ms. Moermond: can you email that to me. Take a business card. What I saw in that was a pickup truck and trailer, and a number of items in the trailer that were described in the order. I'm inclined to delete, but I'd like someone at your office to look for the video, just to confirm that there isn't a video record accessible. Otherwise I'll delete based on the evidence.

Ms. Evans: confirms she emailed the pictures to the legislative hearings email

Ms. Moermond: I will let you know in a week, if we find a video that contradicts. If we do find it we will let you know and we can arrange for you to see the video.

Ms. Evans: We just do it ourselves; if you check the history they've always been done.

Ms. Moermond: well let you know if we find anything different, otherwise assume it's deleted.

Delete the assessment.

Referred to the City Council due back on 1/17/2018

- 4** **RLH TA 17-538** Ratifying the Appealed Special Tax Assessment for property at 662 BURR STREET (File No. J1804A, Assessment No. 188503)

Sponsors: Brendmoen

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 12/19/2017

- 5** [RLH TA 17-544](#) Ratifying the Appealed Special Tax Assessment for property at 862 CENTRAL AVENUE WEST. (File No. J1804A, Assessment No. 188503)

Sponsors: Thao

Approve; no show

(NOTE: Samantha Carry called and left a voicemail stating she can't make hearing but didn't ask to reschedule; left a voice mail message for owner)

Referred to the City Council due back on 1/17/2018

- 6** [RLH TA 17-543](#) Ratifying the Appealed Special Tax Assessment for property at 966 CENTRAL AVENUE WEST. (File No. J1804A, Assessment No. 188503)

Sponsors: Thao

Ermias McKnnonen appeared

MM: looks like we have a cleanup also at this property

Seeley: this is actually 2 SAO, went to occupant and state of MN and Ermias McKnnonen in Brooklyn Center. First sent of orders were sent 8/24 with compliance date of 8/31, recheck 8/31, work was done Sept 5th. Second SA sent Sept 14, with compliance date of Sept 21, and work done on Sept 25. Total of \$946. First was for trash and shopping cart in vacant lot. 2nd was for mattress.

Ms. Moermond: two cleanups here, why are you appealing

Mr. McKnonnen: I spend over \$2000 in cleanup. I have called inspector they never call me back. I don't even live there. The last one end of August, I wasn't in town, I called 2-3 times to get an extension, by the time I came back it was removed.

Ms. Moermond: there isn't a process where the city removes it w/o charging. It's your responsibility to cleanup

PLAYS VIDEO(s)

Ms. Moermond: ok so I'm going to go ahead and recommend that the cleanup done on Sept 21, the cost for that gets deleted since there's no full video. The Aug 31st cleanup I will recommend it gets approved. What I can suggest in terms of future issues, is it may serve you well to cut back the shrubbery to open up the property.

Mr. McKnonnen: it's under construction

Ms. Moermond: I don't have a cost divided out for the cleanups. Assume your assessment will be divided at least in 2, if not more. Sept charges were \$446 which I will recommend deleting, and assessment of \$500 divided over 3 Years.

Reduce from \$946.00 to \$500 & spread over 3 years (delete \$446)

Referred to the City Council due back on 1/17/2018

- 7 [RLH TA 17-533](#) Deleting the Appealed Special Tax Assessment for Property at 1045 CHARLES AVENUE (File No. J1804A, Assessment No. 188503).

Sponsors: Thao

Vanessa Warbler, owner appeared.

Supervisor Paula Seeley: Tall grass and weeds, orders sent Sept 11th, with compliance date of September 15, inspection date Sept 13th and the work was done on the 13th.

Ms. Moermond: since work completed before compliance date, I'll recommend it gets deleted.

Delete the assessment; inspector sent a work order prior to the compliance deadline and Parks did the work.

Referred to the City Council due back on 1/17/2018

- 8 [RLH TA 17-536](#) Ratifying the Appealed Special Tax Assessment for property at 724 DESOTO STREET. (File No. J1804A, Assessment No. 188503)

Sponsors: Brendmoen

Approve; no show.

Referred to the City Council due back on 1/17/2018

- 9 [RLH TA 17-541](#) Ratifying the Appealed Special Tax Assessment for property at 934-936 EDGERTON STREET. (File No. J1804A, Assessment No. 188503)

Sponsors: Bostrom

No show; approve.

Referred to the City Council due back on 1/17/2018

- 10 [RLH TA 17-557](#) Ratifying the Appealed Special Tax Assessment for property at 1349 EDGERTON STREET. (File No. J1803B, Assessment No. 188102)

Sponsors: Brendmoen

Approve; no show.

Referred to the City Council due back on 1/17/2018

- 11 [RLH TA 17-558](#) Ratifying the Appealed Special Tax Assessment for property at 999 FIFTH STREET EAST. (File No. VB1803, Assessment No. 188802)

Sponsors: Prince

Shane DeSmet, owner, appeared

Ms. Moermond: a vacant building fee assessment

Supervisor Yanarely: Cat 2 VB, code compliance inspection done Jan 2017, no current permits. The VB fee is \$2184.

Ms. Moermond: what's the plan for the building?

Mr. DeSmet: last year I bought the property to flip it. Dec 23 of 2016, I purchased it and paid for code compliance. Jan 24 I got a call from a Wells Fargo attorney asking if I was the new owner, he said don't touch it there's title property. I went back to my realtor, who went to the title company and found out they were at fault. It has a torres and abstract title, the bank had only closed on one title. My attorney took it from there, with my title insurance, and they said they have to check into it and found out the two titles and they would fix the problem. The problem is they didn't want me to do any improvements for jeopardy of the old owner redeeming property. At this point I was told it would be about 5 weeks ago. His response is yes, they finally foreclosed and start the proceedings to finish to both titles can be submitted. My response was that was 5 weeks ago, but HUD is involved in Ohio and they can't give you a timeframe other than at least another 4 weeks. AS soon as I get the title cleaned up, and on eone will come back, but both parties including my attorney has said not to put any money into it until we can get this straightened out I've been making house payments and electric bill and mowing yard.

Ms. Moermond: are you suing them?

Mr. DeSmet: the only thing that says is the title company will correct the issue. So I have to pay for the attorney fees, they have no justification for loss. They say I have to show loss. I can't fix it up. I can't rent it out.

Ms. Moermond: has your attorney considered going after Wells Fargo?

Mr. DeSmet: he says it wouldn't be beneficial, we can't override the title company. As soon as we get the go ahead I say 60, 90 days we'll have it on the market, but I don't

know when that timeline will be.

Ms. Moermond: you would have bene out of the vacant building program by spring, and you wouldn't be looking at this bill. What's the date on the code compliance?

Mr. Yanarely: Jan 2017

Mr. DeSmet: 2 days after I got it, it was right around the 23rd of Jan, and then I got the phone call.

Ms. Moermond: here's what I'm going to say, I've got you sitting in the VB program for 6 months of the billable year

Mr. Yanarely: 17th

Ms. Moermond: I typically recommend approval. Is it your fault? No, it's the title companies fault. The only thing I can offer you is I can say that I don't see why we can't extend the code compliance, unless there's been a water pipe or something that would change the condition of the house. Can we do a 90 day extension, to April 17th. So you can pull permit w/o a new code compliance. You can ask for a building only inspection too, but hopefully you won't have to do that.

Ms. Moermond: Ms. Vang, please sent minutes to Mr. DeSmet so he has it for documentation.

Approve the assessment.

Referred to the City Council due back on 1/17/2018

12 [RLH TA 17-554](#)

Deleting the Appealed Special Tax Assessment for property at 177 GEORGE STREET WEST. (File No. VB1803, Assessment No. 188802)

Sponsors: Noecker

Joe Yurecko, SL property Holdings LLC, appeared

Ms. Moermond: VB fee

Mr Yurecko: forgive me up front; my partner was handling this, he's on vacation

Supervisor Yannarely: this is the annual VB fee for a property that had code compliance issued 3 months and 2 days after the anniversary date.

Ms. Moermond: I like to delete these. The billable year is Aug – Aug. You were in the VB program for only ¼ of the year, because if I saw you on the front end I would give you a 90 day waiver. You just got a \$2000 assessment deleted.

Delete the assessment.

Referred to the City Council due back on 1/17/2018

- 13 **RLH TA 17-556** Ratifying the Appealed Special Tax Assessment for Property at 1679 HYACINTH AVENUE EAST (File No. J1804A, Assessment No. 188503).

Sponsors: Bostrom

12/5/17 - Approve; no show.

12/7/17-owner called, missed hearing. rescheduled to 12/19

Laid Over to the Legislative Hearings due back on 12/19/2017

- 14 **RLH TA 17-537** Ratifying the Appealed Special Tax Assessment for property at 1976 IVY AVENUE EAST. (File No. J1803E, Assessment No. 188302) (Continue public hearing to July 11, 2018)

Sponsors: Bostrom

Nathan Hakseth, owner, appeared.

Ms. Moermond: This is for excessive consumption of code enforcement services.

Supervisor Paula Seeley: Failure to scrape and paint house, correction notice sent March 24, Compliance date of May 31, 2 month extension granted, July 18th inspector went out and it wasn't done, so he sent an EC of \$157. There are 4 more forthcoming assessments. Sent to Nathan and Elizabeth Hakseth, to paint excessive peeling house.

Ms. Moermond: what's the current deadline

Ms. Seeley: because it's colder we put it out? May 31st of next year.

Mr. Hakseth: current house is over 100 years old, house has a lot of chalking on it. Painted in past and it hasn't adhered. We've had someone come pressure wash it. We're working with Sherwin Williams. We've painted the exterior and primed the entire exterior. Trim is not primed.

Ms. Moermond: what's your calendar look like?

Mr. Hakseth: we feel like the paint is now going to adhere, holding whether is good in May it should be done by end of May. Trim too

Ms. Seeley: there are a total of 5, so four more Excessive consumptions.

Mr. Hakseth: we got an estimate to paint the house was 9k, so we're trying to do it ourselves, but it takes time to do that.

Ms. Moermond: you have time off work?

Mr. Hakseth: yes, now that we feel like the primer has adhered it should be fine for a topcoat.

Ms. Moermond: you've got this and several others coming forward. I'm going to set it all up to be in front of council on July 11th, 2018. I'll continue this to Jan 17th when the hearing is scheduled. I'll do the same with the next four. Code will check on July 6th, I'll cut them in half if it's done by then.

Mr. Hakseth: confirms he doesn't need to come back to each Leg Hearing

Ms. Moermond: please send in gold card though.

Referred to the City Council due back on 1/17/2018

- 15 [RLH TA 17-553](#) Ratifying the Appealed Special Tax Assessment for property at 908 JEFFERSON AVENUE. (File No. J1804A, Assessment No. 188503)

Sponsors: Noecker

12/5/17: Approve; no show.

1/8/18: owner called to reschedule

Laid Over to the Legislative Hearings due back on 1/9/2018

- 16 [RLH TA 17-549](#) Deleting the Appealed Special Tax Assessment for property at 37 JESSAMINE AVENUE WEST. (File No. J1804A, Assessment No. 188503)

Sponsors: Brendmoen

Jeffrey Martins, owner, appeared. John Youngworth, neighbor, also appeared.

Supervisor Paula Seeley: SAO sent sept 7 compliance date 14, recheck on 14, work done on 15th for \$432. Orders sent to occupant at 37 Jessamine and to Jeffrey Martin at 27 Jessamine. Please remove mattress along fence in alley.

(plays video)

Ms. Moermond: why are you appealing?

Mr. Martin: My house collects junk. People drive in the alley and they drop everything. Everything was fine when I left for work at 5 AM, there were 6 mattresses. I called public works and he goes by "Whitie" and they were wonderful, thanks for moving them out of ROW can you go further down the alley and p/u trash. I have a couple letters from neighbors who saw the mattress there. All of a sudden another mattress appears. Two weekends I came home to 2.5 gallons of draino in the backyard. Our alley is something else.

Ms. Moermond: I'll recommend deletion. The abatement order refers to mattresses plural. I'm wondering if you and your neighbors have installed cameras, alley light. Do you have a mid-alley light from excel.

Mr. Martin: the 61 area is horrible; I had to sweep the glass up. No light further down. It will calm down in winter, sometimes its daily.

Mr. Youngworth: I run the tri area blockclub, I saw the mattresses and I saw Martin had moved them. How do we combat this, when we call it in they ask for an address which makes sense. How is a homeowner who isn't even aware it's there because we moved it out of the ROW, and avoid PO having to come down here and do all this?

Ms. Moermond: the answer lies in the beginning of the process.

Ms. Seeley: We like the address, because then we have the ownership. As far as

constant illegal dumping cameras and lights are all you can do, its Citywide. It would be nice to have the camera, then you can call the police and they will do a police report, which gets sent to us, which makes it more justifiable for us to send to PW. Call the inspector if you find mail with an address, sometimes we get lucky and can go after them.

Ms. Moermond: you made the right moves in terms of contacting public works

Mr. Martin: I didn't want to touch the mattresses. A lot of times I will just pick it up.

Ms. Moermond: this is clearly a different mattress. I'll talk with Mr. Magner about this tomorrow; he's head of code enforcement. Right now I don't have a magic letter.

Mr. Youngworth: submits letters to file.

Referred to the City Council due back on 1/17/2018

- 17 [RLH TA 17-551](#) Ratifying the Appealed Special Tax Assessment for property at 258 MARIA AVENUE. (File No. VB1803, Assessment No. 188802)

Sponsors: Prince

Andrew Lang, owner, appeared

Supervisor Yannarely: Cat 2 VB, duplex, been in program since July 30th 2010. Looks like they're closing their permits, two open permits. Total assessment of \$2,184.

Mr. Lang: It's done; I have renters move in on Friday. I have an inspection today to get the warm air mechanical done. I have an inspection today.

Ms. Moermond: You want to call Mr. Seeger to let him know you need your code compliance certificate right away, otherwise your renters can't move in.

Mr. Yanarely: Mr. Seeger does the closing of these. 266-9046. Reach him in the AM from 7-9. If you leave him a VM today he can call you tomorrow morning.

Ms. Moermond: get it done right away. Right now you've got 4 of the 12 billable. I'm willing to say get this done in a week or so and I'll delete the assessment. If you run longer, and we get to Jan 17 PH, I'll probably ask for some money. If you have it done you're good to go.

Ms. Moermond to Mr. Yanarely: can you check on your code compliance to report back in a week or two.

Staff Report to see if code compliance is approved; will delete assessment.

Laid Over to the Legislative Hearings due back on 12/19/2017

- 18 [RLH TA 17-559](#) Ratifying the Appealed Special Tax Assessment for property at 1740 LARPENTEUR AVENUE EAST. (File No. VB1803, Assessment No. 188802)

Sponsors: Bostrom

Approve; no show.

Referred to the City Council due back on 1/17/2018

- 19** [RLH TA 17-479](#) Deleting the Appealed Special Tax Assessment for property at 491 OHIO STREET. (File No. J1802P, Assessment No. 188401)

Sponsors: Noecker

Delete; waiver on file.

Referred to the City Council due back on 1/17/2018

- 20** **RLH TA 17-550** Ratifying the Appealed Special Tax Assessment for property at 678 ORANGE AVENUE EAST. (File No. J1804A, Assessment No. 188503)

Sponsors: Bostrom

Approve; no show.

Referred to the City Council due back on 1/17/2018

- 21** **RLH TA 17-534** Deleting the Appealed Special Tax Assessment for Property at 1418 PAYNE AVENUE (File No. VB1803, Assessment No. 188802).

Sponsors: Bostrom

Delete as the vacant building folder has been closed. VB file opened June 30, 2017 and closed on October 18, 2017. The fee was inadvertently sent to assessment on September 1, 2017.

Referred to the City Council due back on 1/17/2018

- 22** [RLH TA 17-494](#) Ratifying the Appealed Special Tax Assessment for property at 460 PIERCE STREET. (File No. J1803A, Assessment No. 188502)

Sponsors: Stark

Gwynne Evans, owner, appeared

Seeley: SAO, rechecked Aug 22nd, work was done on 23rd, \$562. No mail returned, sent to owner, PO box and occupant. Garbage near alley in parking lot area (tv mattresses, furniture, cardboard, couch, fish tank, etc).

PLAYS VIDEO

Ms. Moermond: tell me why you're appealing

Ms. Evans: I'd like you to look up 459 Frye Street. Those are the people who keep leaving their trash on our property. If you look at video, we've hidden our cans. I continuously called the inspectors; they confirmed they didn't have trash service. I left a message for Ms. Martin, and I wanted to confirm with her they were going to take care of it. The inspector for 459 Frye said they aren't responding, eventually they got trash service, which was over flowing, and they admitted to me they put their trash on my property. I told inspector have Lisa call me, I know she's busy, but I wanted to see

how she would go about this. I paid for everyone else's trash, just like every other owner, this was not my trash. I'm happy to pay and I have 35 people who work for me, but because these people admitted to it and inspectors were watching Frye Street and there was no service I felt like we could work out something.

Supervisor Lisa Martin: Ms. Evans has been around a long time, I spoke with her and she felt like it was the neighbors. I told her the cleanup had been done and could file an appeal. She mentioned she has staff to clean it up, I personally went and looked at neighboring property, and made sure everyone in the alley was written up, but that didn't change the fact.

Ms. Moermond: when did that happen?

Ms. Martin: we spoke after the cleanup

Ms. Evans: 459 Frye is a problem property. I've paid for trash cleanup over and over and over again.

Ms. Moermond: you got the letter, you know it's the neighbors whose dumping on you, that's kind of on you guys. But you still have the stuff on your property that was ordered cleaned up. Did you ask for an extension?

Ms. Evans: I wanted to speak with Lisa

Ms. Moermond: Mr. Hesse was the inspector who wrote the orders

Mr. Evans: he said he'd never seen anything like this; I've been paying constantly every week.

Ms. Moermond: I'm stuck with that it doesn't become the city's responsibility to pay for the cleanup

Ms. Evans: that's why I tried contact Lisa

Ms. Moermond: It says to contact Hesse

Ms. Evans: he said to contact Lisa

Ms. Moermond: is that the normal process?

Ms. Martin: that's not regular, but as I've said she's been around a long time. Even if she did reach me the amount of trash needed to be taken care of.

Ms. Moermond: you're not new to this; I get its frosting on the cake. It's kind of the nature of the property. I'm inclined to approve the assessment, since you didn't get an extension and had the ability to rectify the situation on your own

Ms. Evans: I disagree with that

Ms. Moermond: city council is who you should talk to about that.

Ms. Evans: asks for copy of the order to appeal

REC: Approve

Referred to the City Council due back on 1/17/2018

- 23 [RLH TA 17-548](#) Deleting the Appealed Special Tax Assessment for property at 1011 SELBY AVENUE. (File No. J1802P, Assessment No. 188401)
- Sponsors: Thao
- Delete; waiver on file.
- Referred to the City Council due back on 1/17/2018**
- 24 [RLH TA 17-547](#) Ratifying the Appealed Special Tax Assessment for Property at 694 SHERBURNE AVENUE (File No. VB1803, Assessment No. 188802).
- Sponsors: Thao
- Approve; no show.
- Referred to the City Council due back on 1/17/2018**
- 25 [RLH TA 17-546](#) Deleting the Appealed Special Tax Assessment for property at 624 SUMMIT AVENUE. (File No. J1804A, Assessment No. 188503)
- Sponsors: Noecker
- Gwynne Evans, owner, appeared.
- Supervisor Paula Seeley: SAO, orders sent Aug 18th, compliance date of 25th, recheck 29th, work done Sept 5th. No mail returned, went to Gwen Evans at Summit and occupant. Miscellaneous rubble near garage and alley.
- Ms. Moermond: why are you appealing?
- Ms. Evans: it's not my trash, it's my understanding it was in the alley. I got the notice, I got ahold of the head guy at Walter's, and I was with advance disposal, and told Walters and was going to start service with them with the stipulation that they pick up the trash. He said he would come and pick it up. (GIVES COPIES OF LETTERS FROM WALTERS)
- Ms. Moermond: he doesn't mention in this the furniture or the trash (READS LETTER). I see furniture in the picture, and no mention in this letter.
- Ms. Evans: I'm saying that furniture is trash and I'm pretty sure the Walters man says so too
(PLAYS VIDEO)
- Ms. Moermond: video doesn't work. Recommend deletion of the assessment.
- REC: delete
- Referred to the City Council due back on 1/17/2018**
- 26 [RLH TA 17-560](#) Ratifying the Appealed Special Tax Assessment for property at 663 THIRD STREET EAST. (File No. J1804A, Assessment No. 188503)
- Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 1/17/2018

- 27** [RLH TA 17-542](#) Ratifying the Appealed Special Tax Assessment for property at 1159 UNIVERSITY AVENUE WEST. (File No. J1804A, Assessment No. 188503)

Sponsors: Stark

Approve; no show.

Referred to the City Council due back on 1/17/2018

- 28** [RLH TA 17-561](#) Ratifying the Appealed Special Tax Assessment for property at 419 WHITALL STREET (File No. J1803E, Assessment No. 188302)

Sponsors: Brendmoen

Approve; no show.

Referred to the City Council due back on 1/17/2018

- 29** [RLH TA 17-540](#) Ratifying the Appealed Special Tax Assessment for property at 1527 WINTHROP STREET NORTH. (File No. J1803E, Assessment No. 188302)

Sponsors: Bostrom

Carl Decker, owner, appeared

Supervisor Paula Seeley: PAEC, Excessive consumption, tall grass and weeds. Orders sent June 7th, with a compliance date of June 11th. Inspector gave an extension, June 22nd work wasn't done still. The notes inspector, he informed me if the grass wasn't done by 20th, Carl said he would have it done by 6/22. Just partially cut as of re-inspection.

Ms. Moermond: compliance date was June 11th and he got an extension? And on June 22nd it wasn't completely done, but then an EC was sent, because when the crew was sent out there on June 23rd and the work was done.

Mr. Decker: That's close, the way I recall, I called Friday and got a 10 day extension to the following Monday because the lawn mower was broken. I contacted my neighbor and borrowed his mower, and it was 2 days of rain. The grass was long, but I called the inspector to tell him it wasn't done and he comes out anyhow. I think he was trying to run up a bill. Same thing with the work crew, I had the front done and he came out again and I had most of the back done, except for the far corner. He scheduled the work crew, when they came out and said if the work is in progress we don't do it. At that time the corner of the back yard wasn't done. I spent 5 hours doing just that corner. He was very reasonable in granting me the extension, but after that he says do it today. It's not physically possible to do it in one day. It's a big lawn and he told me to get my neighbors over to mow the lawn.

Ms. Seeley: I'm going to talk to the inspector because I would never give an extension on tall grass

Ms. Moermond: if the parks crew had done the work, the bill to do it would have been high

Mr. Decker: I hear different things from the crew than the inspector.

Ms. Moermond: the charge is related to the crew showing up on the 23rd, basically the cost of dispatching and recalling crew.

Mr. Decker: no argument the yard is long. My argument is about the initial reasonableness and then the entirely unreasonable behavior.

Ms. Moermond: I need to separate it that this hasn't anything to do with the inspector. I'm going to recommend approval of the assessment and divide it out over 2 years. He has an obligation to deploy the crew to finish the work. It's either abated or its not, that's the law. The charge is because it wasn't taken care of by deadline, the crew extended a courtesy since you were in the process. They had legal authority to do that work. You got away cheaper than if they had done the work. You can talk to the city council about this. The supervisor is here and can hear your comments on the conversation.

Approve & spread over 2 years.

Referred to the City Council due back on 1/17/2018

30 [RLH TA 17-562](#)

Ratifying the Appealed Special Tax Assessment for property at 584 STRYKER AVENUE. (File No. J1804A, Assessment No. 188503)

Sponsors: Noecker

Viet Xuan Tran, owner, appeared. Interpreter needed.

Ms. Moermond: Sept 20th of 2017 city issued an order to remove tall grass and weeds from this property. The deadline was sept 24.

Tran: owned the apt building for over 10 years, before that it didn't belong to me

Ms. Moermond: notice was sent to Wells Fargo and someone named Neil who lived at Stryker Ave address. The situation we run into in these cases is that the order went to the previous owner, but it was during the period of time when that person owned the property, and if they didn't do it, to disclose to the purchaser there was a forthcoming bill. That's something they have to do in addition to title company work. All sellers have to disclose orders and it sounds like that wasn't done. The seller is responsible for dealing with the buyer. Mr. Tran will have to do that. It's a private matter between buyer and seller.

Mr. Tran: So I need to discuss this with the seller

Ms. Moermond: yes, when is this scheduled for PH? Jan 17th. Right now this matter is scheduled to be considered by CC on Jan 17th of 2018 and at that point they would ratify it. We can provide Mr. Tran with copies of the notices so he can prove they were legally responsible to tell him. As it stands, if the council ratifies the assessment he will receive an invoice, if he pays it that's fine, if he doesn't it will go onto his property

taxes for 2019. Those are the dates in play for working with seller.

Mr. Tran: do I need to be present on the 17th?

Ms. Moermond: it's up to him. The seller was properly notified and the city did the work, if he wishes to dispute that he can, but it sounds like his dispute is with the seller which isn't something the city can help with.

Ms. Moermond: any other questions?

Tran: no.

Approve the assessment.

Referred to the City Council due back on 1/17/2018

Special Tax Assessments - ROLLS

- 31 RLH AR 17-101** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during June 22 to July 21, 2017. (File No. J1803E, Assessment No. 188302)
Sponsors: Stark
Referred to the City Council due back on 1/17/2018
- 32 RLH AR 17-102** Ratifying the assessments for Collection of Vacant Building registration fees billed during January 4 to July 21, 2017. (File No. VB1803, Assessment No. 188802)
Sponsors: Stark
Referred to the City Council due back on 1/17/2018
- 33 RLH AR 17-104** Ratifying the assessments for Graffiti Removal services during August 8 to September 22, 2017. (File No. J1802P, Assessment No. 188401)
Sponsors: Stark
Referred to the City Council due back on 1/17/2018
- 34 RLH AR 17-103** Ratifying the assessments for Property Clean Up services during September 1 to 29, 2017. (File No. J1804A, Assessment No. 188503)
Sponsors: Stark
Referred to the City Council due back on 1/17/2018
- 35 RLH AR 17-105** Ratifying the assessments for Trash Hauling services during September 1 to 28, 2017. (File No. J1804G, Assessment No. 188703)
Sponsors: Stark

Referred to the City Council due back on 1/17/2018

11:00 a.m. Hearings

Summary Abatement Orders

- 36 [RLH SAO 17-94](#) Appeal of Stephanie and Scott Mohs to a Summary Abatement Order and Correction Notice at 1936 CHELTON AVENUE.

Sponsors: Stark

Ms Moermond: Dec 19th PH, deadline of Dec 21 to remove pallets and other illegal storage. With respect to parking, it was class 5 and a vacant lot, talked with attorney for zoning, it is the opinion that is an allowable use on this parcel but the owner needs a site plan with DSI and class 5 won't be an allowable surface. No zoning changes needed, just a site plan. Approved site plan by Feb 28th, which he would complete paving and landscaping by June 1. No site plan he must cease parking on lot by March 1.

Grant to February 28, 2018 to get an approved site plan to complete the paving; grant to June 1, 2018 for the landscaping.

Referred to the City Council due back on 12/20/2017

- 37 [RLH SAO 17-100](#) Appeal of Christopher Berendt to a Vehicle Abatement Order at 1400 ARLINGTON AENUE EAST.

Sponsors: Bostrom

Christopher Berendt, renter, appeared.

Supervisor Paula Seeley: Vehicle abatement order commercial vehicle parked in R3 zoning and expired tabs. Letter went out with attachments and vehicle abatement.

Ms. Moermond: there's a photo of a white cube truck. Why are you appealing?

Mr. Berendt: I own my own construction company for almost 8 years, I went through a legal battle, and a bankruptcy, I bought it because of my business which I ran from my house. I use it to get supplies and bring to job site. It used to park on the street; I've owned it for 2.5 years. Previously it was owned by union gospel mission, the plates on it aren't correct. Its empty now, I just paid the higher tax because I wanted to use it and get it going. I went through financial issues, and was parked on the street and then got a ticket for not being removed during a leaf removal. So I started parking it in my driveway. I've been trying to sell it for 8 months. And then all of sudden I had a gentleman show up and said that there was a bunch of items in the driveway needed to be picked up, which I did. And now I hear about this vehicle, which isn't doing anything. It isn't broken down, it isn't blocking sidewalk. I'll move it around. I'm confused as to why it's now an issue.

Ms. Moermond: have you got the tabs on it yet?

Mr. Berendt: no, I don't have the money.

Ms. Moermond: and you rent here?

Mr. Berendt: yes. So that's the whole appeal, I don't understand...

Ms. Moermond: well, inspector Seeley just gave me a section of code, explaining why your circumstance isn't legal. Being a commercial vehicle its categorized as a nuisance, and its also a zoning problem, and you also don't have current tabs. You're good for 90 days on property with expired tabs.

Mr. Berendt: I'm trying, no one will take this truck, even called scrap yard.

Ms. Moermond: I can't change the code. You're kind of caught in the spider web of it. It's not ok to have this commercial vehicle with bad tabs in a residential area. I'm willing ot give you time to deal with this, but not a super long time. I was hopeful you could get the tabs taken care of, your tabs are 10 months expired. What I'm going to do is push it out to Jan 8th to resolve and have it removed. And at which point if you don't then Seeley's people will have it towed to the impound lot.

Mr. Berendt: I don't know what to do. I wouldn't have purchased it if I had known.

Ms. Moermond: there are some businesses that are ok to be run out of your home, that don't involve big vehicles.

Mr. Berendt: what if I get tabs on it?

Ms. Moermond: you still have commercial vehicle in a residential area. We'll try and have a Dec 19th PH so you have a couple weeks between hearing and deadline.

Grant to January 8, 2018 to resolve the commercial vehicle issues.

Referred to the City Council due back on 12/20/2017

- 38** [RLH SAO 17-99](#) Appeal of Cassandra Cole to a Vehicle Abatement Order at 835 BLAIR AVENUE.

Sponsors: Thao

Withdrawn by DSI; vehicle was removed.

Withdrawn

Correction Orders

- 39** [RLH CO 17-48](#) Appeal of Lee Xiong & Kee Yang to a Correction Notice at 1688 LACROSSE AVENUE. (Orders to be withdrawn by staff. Place on agenda to close file and archive.)

Sponsors: Bostrom

Orders withdrawn by LHO and referred to Building Official.

Withdrawn

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 40** [RLH VO 17-55](#) Appeal of Chong Yang to a Fire Certificate of Occupancy Revocation and Order to Vacate at 980 JESSAMINE AVENUE EAST.
- Sponsors:** Bostrom
- 980 Jessamine: no show. All the photos were merged into one file, and we didn't know what was current and what wasn't. Inspector Thomas went out and said he tried calling multiple times, kept trying to call but didn't get out there. In front of council on Dec 19th, if everything is done then he gets his extension; let's get inspection results before public hearing. Forthcoming recommendation based on inspection results.*
- Recommendation is forthcoming.*
- Referred to the City Council due back on 12/20/2017**
- 41** [RLH VO 17-61](#) Appeal of Patrick Hogan to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1048 JESSIE STREET.
- Sponsors:** Brendmoen
- Patrick Hogan, appeared*
- Ms. Moermond: staff report please*
- Mr. Hogan: we're not appealing the specific items; we just want a delay--*
- Supervisor Leanna Shaff: You've looked at the ongoing code issues for the past 6 months. This is a Fire C of O by inspector Schmidt. This started a long time ago, with an inspection letter sent out in June of 2017, we've had a lot of no shows. it's not occupied right now. Duplex. With inspector Schmidt did get entrance to the property, he wrote extensive orders. We've had no movement on those orders, seems the PO isn't in the picture in town. It's basically long term noncompliance.*
- Mr. Hogan: there seems to be some confusion from my conversation with inspector Schmidt. He was taking it personally, and that there was a deliberate negligence. The attention is to Virginia Erbst, so the letters weren't reaching the person with the LLC. Not a St Paul issue.*
- Ms. Moermond: so they didn't let the city know who the letters should be going to*
- Mr. Hogan: I met with inspector Schmidt. It sounds like they had some financial issues as well, they weren't doing it deliberately. The tenants were the ones who damaged the property. They got to a point where financially they couldn't do more, and had an appraisal done. They've been maintaining to make sure its secure, trash is picked up. They finally reached a decision to sell the property as is. And they're going to sell it to a buyer who will take the repairs. So they're asking for the time to do that.*
- Ms. Moermond: this order says if the work isn't done by deadline, the certificate will be*

revoked. The new owner can't rent the property out to tenants.

Mr. Hogan: inspector Schmidt said it will be a cat 2 Vacant building

Ms. Moermond: what I'm looking at now is a property with major code violations that empty. A revocation of the c of O does seem to be in order, since no one is living there and it's been going on a long time. All I can look at now is whether or not this can be revoked; and I don't think this building should have a C of O.

Mr. Hogan: I don't think it's fair that this go into a cat 2 VB

Ms. Moermond: a separate discussion

Mr. Hogan: but it's my understanding that this will go into that

Ms. Moermond: you'll get a notice, and you can appeal that. All I'm dealing with today is whether or not the certificate can be revoked or not. If you lose this appeal and city council agrees, it gets referred to the VB program, which is something that can be appealed. I can't jump the gun and say how I will react to the future letter. Yes, there are implications for this decision, and that will affect what needs to be done to be rehabilitated.

Mr. Hogan: can you describe the several months of noncompliance

Mr. Hogan: but there was supposed to be a re-inspection. The owner didn't have anyone show up because it didn't come to their attention that something needed to be done.

Ms. Moermond: the city contacted the person that they said should have been contacted about fire C of O's. It's the owner's responsibility to let the city know that.

Mr. Hogan: are there any other options, I guess what my point is, what I don't understand is who it benefits to put this building in a cat 2 status.

Ms. Moermond: we're not talking about that today. Today's conversation is about does this building qualify to have a C of O. My answer is no, but the city council may disagree. I can only talk about what's in front of me. I would only grant an extension if it was a matter of giving tenants time to get out of the building.

Mr. Hogan: when is the public hearing?

Ms. Moermond: December 19th. In the meantime the property may not be occupied by anyone.

Mr. Hogan: at what point does it go to the VB list?

Ms. Moermond: after council makes their decision on Dec 19th, after that the fire C of O program will take a couple weeks to process their stuff and refer to VB program, who takes a look at it. Then a letter goes out in the mail, and that's appealable.

Mr. Hogan: I feel like this is a railroading process, where there's no....

Ms. Moermond: I'm trying to describe to you that there are spurs in the RR where this can be turned. But for now this hasn't been code compliance for many months. If you

want to make your own case to city council, that's ok. And the next step is also appealable.

Mr. Hogan: how would I get more information so I can prepare appropriately.

Ms. Moermond: you'll get the letter, and we'll talk about the different facets of that.

Deny the appeal.

Referred to the City Council due back on 12/20/2017

42 [RLH VO 17-60](#)

Appeal of Gina Yanez and Louis Yanez to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 740 WASECA STREET. (Public hearing to be continued to February 7, 2018)

Sponsors: Noecker

Gina Yanez, owner, appeared

Supervisor Leanna Shaff: quite the history on exterior issues, revocation of fire C of O and order to vacate by inspector Daniel Klein. He has 15 items that haven't been complied with. This started out with a no entry on the property, Klein says he spoke to PO's grandson and owner is deceased, asked Daughter who is now property owner call. That was on 8/2. On 9/1 we have another no entry, Klein says Gina called and wasn't ready for inspection. 10/3 no show for inspection, so revoked for long term refusal to allow access. He did allow access.

Ms. Moermond: when did your mom pass?

Ms. Yanez: Nov of 2016. I called and told him there is people living there, its us we just haven't changed the name from us to our name. I went to down to change it. I spoke to a lady who said we shouldn't be in the renters program. She told me to come and appeal. In the meantime the inspector comes and says its only minor things; except for the dryer. But he told us if we got it homesteaded that we wouldn't have to come in. I tried to call my lawyer. We just want more time to fix the dryer.

Ms. Moermond: going back to your mom, did she have a will. Who did she leave the property to?

Ms. Yanez: to me and my brother

Ms. Moermond: and have you got the title switched yet?

Ms. Yanez: no, I haven't got a hold of the lawyer.

Ms. Moermond: even children living there isn't considered owner occupied. You need to get the name changed. So that's the first thing. In terms of getting things fixed, you talk about some of these things being minor, some aren't minor but they aren't expensive. The open wiring smoke detector, that's a major problem. The exterior stuff, we can go with spring deadlines. Here we have an open spoke detector. There's no globe on the light fixture. There appears to be graffiti in the house. I would really like to see you get this into your name. And you need to get repairs done. You need to get them done wither your own owner occupant. There will be follow up, it just depends on whether it's considered owner occupied or not. The exposed electrical

and smoke detector issues need to be fixed. Have you got all the smoke alarms and co2 detectors working??

Ms. Yanez: yes.

Ms. Moermond: and what are you doing about electrical? No covers on the electrical plates. Taxes are up to date, and no mortgage that needs to be paid. I'm going to lay this over for 2 weeks, work with county, and then look at the list and let me know what deadlines you'll need to get it done, and we can talk about it then. Get the title work underway. You need to make those decisions about how you want it to be, and I would like to see confirmation paperwork from county.

Layover to Dec 19; Appellant is to provide confirmation documents from Ramsey County that the property has been transferred to her or her brother; provide a work plan on how make the repairs, including timelines.

Laid Over to the Legislative Hearings due back on 12/19/2017

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 43 [RLH FCO 17-216](#) Appeal of Gabriel Mba to a Correction Notice-Reinspection Complaint at 1020 BANDANA BOULEVARD WEST.

Sponsors: Stark

Gabriel Mba, appeared, Representing MN Cameroon community

Staff report from Supervisor Shaff: This started out as a Fire C of O inspection by Inspector Emmerson, of the exterior throughout. They are to repair/replace all rotting wood, peeling paint. May 17th, 2017, another letter sent in June, and it was approved with corrections in June, requiring the work be done by Oct 1. Oct 1 has come and gone the work is not done, paint isn't going to stick now, its too cold.

Ms. Moermond: So we concern our self with any holes or openings because of rotted trim. I'm already in agreement that it's not reasonable there's painting going on, but what are you looking for?

Mr. Mba: I agree with you, this is a very young immigrant community. We want to be able to have a community center. However because of financial constraints we are unable to do it. We had a transition, I am the new President. I presented the case to the community, so we came to a length of time, and we are raising the funds.

Ms. Moermond: I'm trying to think of fixes, besides replacing boards which requires carpenters. Do you have finances to hire a carpenter replace some of the trim?

Mr. Mba: Our electricity was disconnected on Friday, we have little finances.

Ms. Moermond: how about this, I can recommend to Council you have to May 1, 2018 to repair the trim, to get that fixed. Painting July 1, 2018. Two stages for you.

Referred to the City Council due back on 1/3/2018

44 [RLH FCO
17-209](#)

Appeal of John Kerwin to a Fire Certificate of Occupancy Correction Notice at 667 LINCOLN AVENUE.

Sponsors: Noecker

John Kerwin, owner, appeared.

Ms. Moermond: I can deal with the length of time and I can discuss the information, but what's in play is code is that I'm not the hearing officer for, Mr. Steve Ubl is the responsible person for making a judgment call. So I would say I'm listening with ears of reasonableness and timelines, and he's sitting on judgement of building code aspect of this. This appeal has parts for both, that's why he's here.

Supervisor Leanna Shaff: This started out as a referral in April 19th, Inspector Elvestad went to inspect, and he wrote correction orders 5/22, 6/29 8/8 and 9/1 rolled it into Fire C of O. We found out in 2015 there was a permit pulled for replacing the water heater, and being that the permit wasn't ever inspected or finalized, it would now require a chimney liner.

Ms. Moermond: so you believe a chimney liner isn't necessary and you were informed by a state office that this wasn't the case. I believe you were misinformed, however not my call. Mr. Ubl, what's your reading of the orders?

Mr. Kerwin: maybe Mr. Ubl and I should get together. My memories go back to Glenn Erickson, this fourplex on Lincoln predates him. I bought it on the GI bill in 1976, we've maintained the C of O all through these 40 years, but we hit a buzzsaw on this one. It was a weekend water heater bust, and the caretaker couldn't reach me and called the plumber on the sticker, not my regular mechanical company. Outside plumber came in and then I got in touch and they said the line didn't start in the chimney. They said you have to replace the chimney liner. It's a requirement if your water heater gets changed, and if you don't do what I say your building will be crawling with inspectors. So, I called my regular guy and said I we need to put a chimney liner in, he said he hadn't heard of such a thing. I asked him to talk to the inspector, he said sure, this was 2015. I didn't hear anything for months, years, and I thought he would talk to the inspector. The scenario that is being described we started getting a host of long inspection lists, and we did the work, except the chimney liner. Inspector said its something we should do, when I got the estimate for replacing the liner it was like \$3k, which is burdensome for something I had my doubts about. My state legislature dug out the grandfathering law, that says you don't have to exceed the standards during which something is built unless there's a specific retroactive requirement. It's been through the state code people, and no one can show me that. We want to do what's safe, I talked to an engineer.

Mr. Ubl: can I look at that while you're conversing?

Mr. Kerwin: Sure. I talked to mechanical engineer, he asked if there was defect in the chimney, I said not know that I know of. He said if there's no defect you shouldn't have to put the liner in, and he inspected for defects. It was a referral; the plumber sued me for the water heater replacement. It was a spare water heater, but if it makes it safe to put the liner in, ok but from everything I hear except for the inspector tainted by the plumber I hear it's not necessary.

Ms. Moermond: there are two pieces, the first are your comments around retroactivity

vs. when codes apply, and Mr. Ubl why don't you just take over.

Mr. Ubl: What you show in front there is quite accurate statutorily, however in this case the requirements for chimney liners for water heaters, would entertain the mechanical fuel gas code, for requirements for lining a chimney for your water heater. It gets quite specific about it. Under fire orders, it is a charge out of MN fuel gas code with specific directions on masonry chimneys. We start with manufacturers recommendations, we assess the chimney, to my understanding we haven't assessed it to whether there's a clay liner in there or not, to determine whether a metal liner needs to be installed. That's coming from my field staff. Its specific to these masonry chimneys as to the fuel gas code, you can certainly go down the path of having the agency assess the venting capacity of the chimney or water heater, that is certainly an option. If it's a clay liner, we can review whether that's an acceptable liner. You can put in a metal liner. But the code goes to manufacturers recommendations and has provisions on how to do a masonry chimney. You can use the chimney if it's been tested; it's based on age of chimney to make sure it goes vertical and not through masonry.

Ms. Moermond: this is triggered because of the installation of the new water heater in 2015, that yuo would be referring to these codes

Mr. Ubl: Unless it was identified that there was a distinct hazard exposed identified with the lack of maintenance, when you get a new appliance you need to look at the MN fuel gas codes for installation; we aren't going by municipality ordinance in any way.

Mr. Kerwin: do you have those relevant clauses in the gas code?

Mr. Ubl offers a copy to Mr. Kerwin.

Ms. Moermond: Please scan for the record and attach to the file.

Mr. Ubl: I'm not sure who's accountable for the permit who installed the water heater

Ms. Shaff: It was Wells & Sons.

Mr. Ubl: so if those individuals are responsible for installation, they're required to satisfy the statute. Hence, they would have communicated with the plumbing inspector and gotten options per the provisions in that code. It's not a one way street, I just don't know the status of the masonry chimney.

Mr. Kerwin: why don't I get an engineer to inspect it?

Mr. Ubl: absolutely, you have that option

Mr. Kerwin: if it passes will that solve the problem?

Mr. Ubl: when you say passes, that report needs to be submitted to see if it's acceptable for the appliance that was installed. That's our job.

Mr. Kerwin: I can certainly do that. I doubt it has a clay liner, I've looked at it above the roof.

Mr. Ubl: do you have any idea of a timeline to get this completed?

Ms. Moermond: there's an inspection and coming to a course of action, and then a

deadline for when the course of action is completed. A decision point deadline, and an execution deadline if one is needed. Does 60 days sound adequate for a decision? And then how about 120 days to execute.

Mr. Ubl: is this chimney on the exterior of the building?

Mr. Kerwin: No, it's interior.

Mr. Ubl: I would ask that we hasten this, because we're not sure about the flue gas emissions. Tighten it up quite a bit.

Mr. Kerwin: It's been 100 years.

Mr. Ubl: I understand, but there's the new gas code.

Ms. Moermond: 30, 60?

Mr. Ubl: I wouldn't go beyond that. This is the coldest time of year; arguably that's when things are tightest for flushing out gasses if they are leaking.

Mr. Kerwin: We have an exhaustive list that my maintenance has done to comply with everything, and I lived that for 10 years, I don't think there's any threat to health.

Mr. Ubl: what you just discussed for carbon monoxide and smoke alarm has everything to do with the minimum code. I don't believe venting of gasses is a minimum concern, it's a deep concern esp in the winter months when things are buttoned up.

Mr. Kerwin: we can get on it right away, but I request—

Ms. Moermond: we're talking about 30 days to select an option, because if DSI says no he has to come up with something else. You're still under the gun, but less so than immediate. I'd like to say 30, 60 and get it taken care of as quickly as possible.

There are options; do you have a contact person he should be working with at DSI?

Mr. Ubl: Sr. Plumbing inspector Rick Jacobs, 651-266-9051.

Mr. Kerwin: someone mentioned Jonathan Knutson?

Mr. Ubl: He's in ventilation; he doesn't inspect ventilation of gasses for appliances.

Ms. Moermond: how are you on the rest of the orders?

Mr. Kerwin: Maintenance man says we're done.

Ms. Moermond: you have a re-inspection that was scheduled for Dec 8th

Mr. Kerwin: we're ready

Ms. Moermond: ok, we'll hold the Dec 8th inspection for the other items.

Referred to the City Council due back on 1/3/2018

1108 WESTERN AVENUE NORTH. (Public hearing continued from December 20)

Sponsors: Brendmoen

Carolyn Brown, Community Stabilization Project, appeared.

Ms. Moermond: Oct 24, Lance holder came and presented himself as a handyman working for the owner of the building, Mr. Jose Felix and would have the fixes done and the building could continue to be occupied. At that juncture I had no documentation that Mr. Holder was actually employee of Mr. Felix, that there was a work plan, and that he hadn't demonstrated the financial wherewithal to do the repairs. This was the 2nd time I've heard an appeal on this address, the first was a month prior where Mr. Felix's attorney Anderson had appealed and had recommended he be given a month to do the repairs. So we're way down the line on this, based on a request from Mr. Metric Giles, I asked the council at it's hearing 3 weeks ago, Nov 24 to lay the matter over so that CSP could to hopefully help facilitate a solution. What I've seen in the past couple days is an application for residential rehab loan money through ED, and that was made by Mr. Felix. It looks like filed by Mr. Holder, his license was with the record. I'm kind of believing its Mr. Felix, but I don't have any documentation that he has hired anyone to appear on his behalf. The financial records he attached to the loan application demonstrated the accounts labeled for 1108 western were used for some building repairs, but also appeared to be general person accounts, using money to pay for gas etc. Definitely mixing of funds. He also has extremely low balance. As you know, because this is a 9 unit building, it doesn't qualify for rental rehab money through PED, so that was a no go. The following day, yesterday, I received what looked like 4 pages of work orders for the building that I think Mr. Holder put together. They weren't complete as they didn't have anything besides the title, H&M services, no signatures or indication the bid was accepted or any timeline. So tell me what you got.

Carolyn Brown, CSP: It looks like they gave two weeks. Did you get the last email?

Ms. Moermond: I don't have anything except what I read.

Ms. Brown: It looks like 2 weeks to get it done, and I did forward all of the agreement to sell to new owner Jan 12th.

Ms. Moermond: that is something we haven't talked about. I heard from Mr. Giles that there was an interested purchaser, and that does change the complexion if there's someone new who is a responsible party. Is there a signed purchase agreement right now?

Ms. Brown: Yes

[brings copies to Ms. Moermond]

Ms. Moermond: So is it Mr. Felix's done to have these repairs done at point of sale?

Ms. Brown: Yes, all the fire extinguishers have been replaced; I did a walk through last Thursday with pictures. Mattress has been removed from hallway. Unit 9 repaired toilet and holes behind door. Unit 8 has a new door, replaced latch, fixed toilet and smoke alarm.

Ms. Moermond: so all I need to know is does Mr. Felix have the money to pay Mr. Holder

Ms. Brown: yes.

Ms. Moermond: having just received some earnest money, one would think he does, but what do you have?

Ms. Brown: he's going to refinance his home in Texas, he said he was going to send over \$1,000 to get some things done, so hopefully by the sale everything is current.

Ms. Moermond: I'm going to push for things to be done more quickly. I feel like I've been hanging onto this for months, with no traction on the part of Mr. Felix doing anything, then Mr. Holder shows up and ghosts on me, no communication, no work plan, no nothing. I'm ready to go to Council and say these people disappeared. I don't think it's too much to ask that these repairs – he can do better than \$1,000 and he can do better than “hopefully prior to sale”. I would like to see this building fixed yesterday, but its gone on for months, it's unfair to tenants. You said you have evidence that Mr. Felix has money?

Ms. Brown: yes he said he was going to refinance. The last email he sent over had a bunch of statements, tax statements, I'll make sure to get it to you.

Ms. Moermond: Is there anything stopping it from being done in 2 weeks?

Ms. Brown: No, a majority of the things have gotten done.

Ms. Moermond: I'll ask council for 2 week layover, we'll touch base Tuesday before that, December 18th (correction: December 19), it will go to council on Dec 19th (correction: Dec 20th). I would like to see things done then. Certainly, charges for the re-inspections, and that's the best I can do without pulling the certificate which I don't want to do with 9 units. Get it done, or there will be more bills to pay. You'll need to schedule an inspection with Inspector Franquiz.

Layover to December 19 (correction: December 20) public hearing with a legislative hearing on December 18 (correction: December 19).

Referred to the City Council due back on 12/6/2017

2:30 p.m. Hearings

Vacant Building Registrations

- 46 [RLH VBR 17-82](#) Appeal of Clifford Scott to a Vacant Building Registration Notice at 434 FRY STREET.

Sponsors: Stark

No one appeared.

Ms. Moermond: Update on Fry, we were going to go out there and see if quality of life issues were addressed, and if it was qualified to be released from Vacant building program as a Cat 2. What did you find when you went out there?

Mr. Dornfeld: I met with the property owner, Clifford Scott, today at 10 AM at walked through the home and found that all of the life safety issues that were documented on

Inspector Martin's condemnation list have been or are now in compliance. House is free of clutter, no fire hazards present. He is working towards compliance as far as inspector Martin's other items that were non-life threatening, but those are going to take time. He has made progress towards them. The exterior of property is much improved, there was a 30 yard commercial dumpster filled and taken away, and at this time I feel comfortable we can lift the condemnation and monitor the property monthly. I would be willing to follow up on.

Ms. Moermond: That's great, kind of treat it like a preliminary vacant building and get it out of the VB program. I would recommend that based on Mr. Scott's improvement he should be released from the VB program.

Referred to the City Council due back on 12/20/2017

- 47 [RLH SAO 17-65](#) Making finding on the appealed nuisance abatement ordered for 25 ELIZABETH STREET EAST in Council File RLH SAO 17-56. (Continue public hearing to February 7, 2018)

Sponsors: Noecker

Lacey and Jonathan Gutierrez, owners, appeared.

Mr. Ubl: this is an email from the appellant's attorney, Mr. Ben Kirk that reads: "sounds like the engineering plan has been delivered and possibly approved, we are finalizing easement documents now, therefore the project should be underway this week. Can you please ask Ms. Moermond to postpone her pending recommendation on the abatement order again? Thank you for your patience, Benjamin J Kirk"

Ms. Moermond: and we were just talking about what was missing, the encroachment agreement with the neighbors, and follow up questions once that was received, we are past the freezing point now and what sorts of steps need to be taken. We picked today because we thought it was the latest the soils would freeze, now they're freezing and Mr. Ubl, building official. They've been working to address this. My question to Mr. Ubl is if we go beyond today and we have the soil's freezing, how do we make sure that that doesn't damage our ability to install a permit or temporary fix? What I was hearing has to do with keeping the soil warm as the work progresses, from an engineering perspective. That would be a position.

Mr. Ubl: verifies its owner contractor. We have some some significant engineering involved here, and needs to be respected. We're looking for some type of practice for conditions for this type of work, we want it established from the beginning, some type of program, policy procedure, that you can execute to ensure the soil stays above freezing. That's what we ask of whoever comes in to get that program.

You don't want the granules of the sand to expand, so what we typically do is take close to the frost, we take advantage of the soils and blanket it, so the next morning you don't have any frost in the soils. Whatever you bring in as new materials can't be frozen. Then you put the blankets back down, there's a timeline that you respectfully understand what is happening with the soils, so they don't expand when you're compacting it, so when it expands in the spring you're not here again in June or July.

Mr. Gutierrez: the main concern was to have it safe. Building this wall in the winter will be slow and more difficult but can be done, but main thing as I talk to my engineer was the garage. They said they can support the garage to make it stable. Once that's secure, we have addressed unsafe soils by clearing the wall. We stabilized it. With the building itself, once we get the permit and company installing the pillars, they can do

that and secure that part, we already have half the work on the unsafe part done. Then it's a matter of rebuilding the wall and ensures it stays there. So I want to be sure we are on the same page as how we've been addressing this to get it done.

Ubl: the expectation is that you provide something that identifies how you're going to perform that. The steps you'll take to maintain a no front condition with the soils. We will ask for that when you come and get the permit, because of the significant engineering. Anything exposed to the back of the garage, or north behind your lot, those need to be protected and safeguarded, especially soils being brought in.

Mr. Guterrez: normally you isolate them; you want to keep them dry. Once we put them down, we'll have to build some sort of shelter around the whole thing to keep any snow and moisture out of it.

Mr. Ubl: I would think you're going to be dropping blankets at the very least, and take advantage of the warm soils down below. I think we're on the same page; it's just a notation for inspectors and continuity.

Ms. Guterrez: Just a simple word document that we put together?

Mr. Ubl: yes.

Ms. Moermond: your attorney said you're close on encroachment agreement. Does that mean you'll have it signed within a week?

Ms. Guterrez: we're just waiting on the neighbor to get it notarized at this point. He's verbally agreed to the access for construction, there was some confusion—he didn't want to do the maintenance. He contacted the city and was told it wasn't needed. Our attorney is working with him to get it done and signed.

Ms. Moermond to Ubl: Do you need that agreement prior to issuance of a permit?

Mr. Ubl: Yes, I do. If things are freezing up, you're minimizing compromise to neighbor's soil. I would like that in place.

Ms. Guterrez: My goal is to have it done tomorrow. We've been trying to get it done for a long time. At this point it depends on him, so I can't commit to a week.

Ms. Moermond: I'm trying to suss out what would be the right deadlines, I'd like to split it with an intermediate deadline of completed permit application which includes the statement on how you're going to keep the soils properly conditioned, and an agreement with the neighbor. And then when the work would finally be completed. Prior to when you got here we were talking about how long the work would take, Mr. Ubl was thinking 2-4 weeks. Is that consistent with your engineers?

Mr. Gutierrez: I think its more concern on weather, it makes everything difficult. We can't predict how it will be, but it involves more work in this case. It impacts timing.

Mr. Ubl: it gives cause to be expeditious. You don't want things to get worse.

Mr. Gutierrez: I say 4-6 weeks to be realistic. If we can get it done before that's our goal.

Mr. Ubl: do you have a contractor lined up for the footings?

Mr. Gutierrez: yes.

Ms. Moermond: can you break the permit issuance into 2 parts?

Mr. Ubl: not likely.

Ms. Moermond: The maintenance agreement is about future access if things come up. Attorney is in contact with the neighbor?

Ms. Gutierrez: yes

Ms. Moermond: how about completed building permit application including neighbor agreement by Dec 19th, so I can check that, and deadline for completion of work by February 7th. I'll hear it again at 2:30 on Feb 6th, so I have a current report for council, as well as Dec 19th at 2:30, with Mr. Ubl to make sure we have a completed permit. Failure on the first one will trigger Mr. Magner to call contractors.

Mr. Ubl: I can't tell you to get a permit w/o the agreement, because I know you would violate someone's rights. Please do it.

Ms. Gutierrez: would it be possible to confirm that what you have for the design?

Mr. Ubl: my structural engineer is reviewing now, to make sure the footings are appropriate for the soils. We're not quite sure; I'll let him comment to you when I get back. We just got them this am. We'll respond accordingly.

Ms. Gutierrez: we're getting signatures, and then you need the step by step document, what expectations are to complete work.

Legislative Hearing Officer is looking for owner's contractor to apply for a building permit, including a signed maintenance and encroachment agreement by December 19 in order to get a layover for the completion of the work by February 7, 2018 City Council Public Hearing with a follow-up legislative hearing on February 6. If the first deadline fails, DSI will take enforcement action.

Referred to the City Council due back on 12/6/2017