



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, August 20, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 19-669** Ratifying the Appealed Special Tax Assessment for property at 298 LAWSON AVENUE EAST. (File No. J1924A, Assessment No. 198561)

Sponsors: Brendmoen

Public hearing continued to February 19, 2020. If no same or similar, will reduce assessment from \$516 to \$258.

Mr. Augustine Ambe

Staff report by Joe Yannarely: SA dated May 3, 2019, to remove yard waste from Blvd and trash on garage apron. Dated May 3, compliance date May 9, rechecked 9 and was noncompliance, and abatement was done May 10 for a total cost of \$516. Orders sent to Augustine Ambe and occupant at 298 Lawson Ave E.

[video shown]

Ms. Moermond: why are you appealing?

Mr. Ambe: I think the city knows the whole of that area is a whole dumping area. I've called the city many times. They just dump the garbage on my property, told them my tenant saw someone dumped it. They told me to push it into the street and they'd come pick it up. I had a light put up and I am going to put up a camera. What is on my property, I don't do it, even my tenants didn't do it.

Ms. Moermond: the shelves look like something exactly put out there by a tenant. It was set by the garbage like a tenant would do it.

Mr. Ambe: it was a cabinet dropped, I broke it up and set it there. It was still there because I was waiting for a pickup to take it away.

Ms. Moermond: can you tell me about communications?

Mr. Yannarely: there's no notes, just what was said earlier.

Ms. Moermond: Any earlier violations?

Mr. Yannarely: we have another garbage complaint April 5, abandoned vehicle March 18, and another garbage March 11. There is a track record here.

Mr. Ambe: I've spoken with the city quite a few times.

Ms. Moermond: I'm looking at what our records show and called in.

Mr. Yannarely: Done by parks April 12, and the one in March, the vehicle, that was done by owner. Garbage complaint March 11, that the owner called and they told him to put it into the street, some contact with Seeley. December was a garbage, that was done by owner.

Ms. Moermond: you said there was a snow complaint? Was that from the current winter?

Mr Yannarely: December 13, 2019, done by owner.

Ms. Moermond: I was checking a few things, trying to figure out who you talked to and what information you received. What I'm hearing is there's a call documented with you and Paula Seeley, and that seemed to be around where to put the garbage containers so Waste Management would pick up, and that was on the street. It looks like an alley?

Mr. Ambe: yes, there's an alley right there. They missed picked up, and she said it's because it's not in the alley, which we've never done.

Ms. Moermond: that's something you need to work out with Waste Management. Yard waste, what's going on with that? It looks like it had been there quite a long time.

Mr. Ambe: that's not my garbage, is there a history of the whole street of the garbage being dumped there the whole time?

Mr. Yannarely: dumping is an issue in St. Paul.

Mr. Ambe: city advised me to put up cameras. I thought maybe it wasn't lit well, so I asked Excel to put up a light pole. If you go on the side of the street right now, they try to repair the cars and they don't get it fixed and they just leave the stuff there. There's a lot of dumping and people misbehaving. I've called, I don't want to confront people.

Ms. Moermond: how many units in this house?

Mr. Ambe: it is a fourplex.

Ms. Moermond: have you used any of your bulky item pickups? With the service provided by the city, you get 3 bulky items for each medium cart, and 3 or 4 with the large container. It's as simple as having Waste Management pick it up, you just have to call them. You have at least a dozen items a year you can get rid of, such as a table, bookshelves, it's not going to help with the yard waste, but that was there for a long time, everything underneath was dead. I would like to use this as an opportunity to have things improve moving forward.

Mr. Ambe: I've told my tenants that anything that doesn't fit in the container shouldn't

be out there, and that they shouldn't put the bulky items out there and I'm not responsible out there.

Ms. Moermond: that's how the dumping happens. They will go dump it on their neighbors, so I'm telling you that you have this option that you're already paying for. This is for no extra money. I'd like to see you pick up the phone, and tell Waste Management to pick it up. You probably have 13 items. What is holding you back from putting the camera in place?

Mr. Ambe: I wanted to see if the light helped.

Ms. Moermond: when did the light go up?

Mr. Ambe: a month ago.

Ms. Moermond: I'd like to see the city doesn't have to write orders on the property anymore. The city did go out there and clean up a lot. I'm not hearing you say you didn't get notified.

Mr. Ambe: I got notified. But it's just a picture of the stuff on the street.

Mr. Yannarely: right above that it says that it may not be all the garbage written in orders.

Mr. Ambe: I just don't want this to keep happening

Ms. Moermond: and I don't want the taxpayers to have to pay for it. Public hearing date is October 2, 2019. I'm going to recommend to the council and ask them to continue this matter, and if there's no same or similar violations by February 19, 2020 I will reduce by half. You didn't appeal it. It was there, it was cleaned up, and there was a legitimate charge, but I want to say you've lit the area and think again about cameras, and get your tenants to call, then I can look at cutting this in half.

Mr. Ambe: I hear you saying is that you don't want tax payers to pay for my property. But the city has a responsibility to prevent the dumping.

Ms. Moermond: but you heard me say, those bulky items can be picked up. I heard you say you told your tenants not to pick them out. So hopefully when we all learn about the bulky item pickup it decreases events like this.

Mr. Ambe: most of what they throw is remodeling materials. Its items like from work and trade people. If it was home people, I would take care of it. I'm a first-time property owner.

Referred to the City Council due back on 10/2/2019

2 RLH TA 19-670 Ratifying the Appealed Special Tax Assessment for property at 964 AVON STREET NORTH. (File No. J1922A, Assessment No. 198555)

Sponsors: Brendmoen

Reduce assessment from \$482 to \$200.

Barry Star appeared

Supervisor Joe Yannarely: Summary Abatement for tires behind building, issued April 1, 2019, rechecked April 10 and work order was performed April 10 for a cost of \$320, service charge of \$162 for a total cost of \$482.

[video shown]

Mr. Yannarely: Summary Abatement sent to Barry star at Nebraska Ave and occupant.

Mr. Star: I did get the letter, I was on vacation, so when it came, I realized it was day late, then I got the notice. I thought it was an exorbitant rate for 6 tires. If it had been \$100 I would just pay it. Someone dumped it there, it isn't my tenant. I own a lot of properties and we check it, I don't think I have ever had a violation. I don't normally get citations, I take care of things.

Mr. Yannarely: graffiti complaint in March, and tall grass and TV in May of 2017, and have to go back to 2016 for another complaint.

Ms. Moermond: if you're not around, and the occupant gets this letter, would your tenant do that? Here's where I'm coming from, if I say no same or similar and you're out of town, do you have a backup plan?

Mr. Star: normally someone would see this, for some reason they just threw it in my pile of mail.

Ms. Moermond: the largest pile of the charge is simply sending the crew out. \$260 just to get the crew out, then they charge for the tires, and then a fee for processing it as an assessment. It is really high, I get that. It is clear to me this is a case of dumping. It also looks like you are on top of taking care of things. I'm going to reduce this to \$200 to recover some of the City's costs. You do have a good history and I want to give you credit for that.

Mr. Star: I have some properties that are under City contract, I ask because I have some charges on a residential property, they had a bag of garbage next to the bin.

Ms. Moermond: they will charge you a couple extra bucks for a bag on the ground or for a can that is over 6" open, the hauler counts the extra bags that makes the lid go up. Make sure you call and let them know so they send the bulky truck by.

Referred to the City Council due back on 9/4/2019

- 3 RLH TA 19-661** Ratifying the Appealed Special Tax Assessment for property at 569 LAFOND AVENUE. (File No. J1924A, Assessment No. 198561)

Sponsors: Thao

No one appeared. Approve the assessment.

Referred to the City Council due back on 10/2/2019

- 4 RLH TA 19-658** Ratifying the Appealed Special Tax Assessment for property at 544 SHERBURNE AVENUE. (File No. J1924A, Assessment No. 198561)

Sponsors: Thao

Continue to PH February 19, 2020. If no same or similar reduce assessment from \$618 to \$309.

*Hanming Huang, owner, appeared
Ashley Davis, tenant, appeared*

Staff report by Joe Yannarely: Summary Abatement order dated April 29, to please remove discarded furniture, carpeting, trash, brush and debris in backyard, with a compliance date of May 6, 2019. It was found in noncompliance, work order was sent to Parks who performed the abatement on May 7, 2019 for a total cost of \$456, service charge of \$162 for a total assessment of \$618.

[video shown]

Ms. Moermond: why are you appealing?

Ms. Davis: that is really cool I didn't know you took videos like that.

Ms. Moermond: yes, it helps a lot. We have all this stuff in the backyard, and a notice went out to Mr. Huang and also to the occupant. Did you guys talk about this when it came in the mail?

Mr. Huang: yes, I sent her a copy and we came to appeal. We didn't know it was removed so quick. We didn't even know what it was about. The notice I received didn't say what it was.

Ms. Moermond: yes it did

Mr. Huang: I didn't receive this.

Ms. Davis: the sticks are my fire pit, I didn't know I couldn't have that. The furniture, I had a mouse problem and a newborn, I had to get everything out of the house. I work full time and I have four kids by myself. I didn't have enough time, I didn't know about the bulky item pick ups you were telling the other guy, I was waiting for a day off, to get a U-haul, but a week wasn't enough time, because I needed the money.

Ms. Moermond: you called your tenant, to say you got this in the mail?

Mr. Huang: I didn't receive this.

Ms. Moermond: here's the version sent to you, though that letter indicates you were copied on it. That was directed to your address on file with Ramsey county.

Mr. Huang: honestly, I don't know why I didn't see that.

Ms. Moermond: And yet you did talk to each other.

Ms. Davis: he did ask if I needed help.

Ms. Moermond: which you did.

Davis: yes, I'm just one of those people.

Mr. Yannarely: yes, and you can always talk to the inspector.

Ms. Moermond: and its appealable. The responsibility really lands with you, the landlord, but I'm gathering that you want her to pay for this.

Mr. Huang: for the branches I take responsibility. Not the furniture

Ms. Moermond: and what about the carpet? I'm having trouble trusting your memory since you said you had a conversation about it but didn't get the notice. The inspector gave his cell phone number too.

Mr. Yannarely: if you're still having rodent problems, your property owner should be dealing with it.

Ms. Moermond: the property owner should be dealing with it. You lost all that furniture.

Ms. Davis: he calls Terminix every year.

Mr. Huang: we try to find time that works for each other.

Ms. Moermond: so you didn't just call Terminix, you wanted to check it yourself?

Mr. Huang: last time I spent a year service to have pest control to come out. I wanted to see it first, before I called them.

Ms. Moermond: well, I'm looking at this seeing the City crew had to remove a lot of stuff. It would have been great if you would have been on the phone with Waste Management getting them to get it done. I get you want to hold your tenant responsible, but if she's getting rid of the furniture because of a mouse problem that's on you. If you didn't maintain your contract with Terminix knowing it was a problem, I feel like you have more ownership of this problem than not. Is there anything else besides the May 29 tall grass and weeds?

Mr. Yannarely: No.

Ms. Moermond: Ms. Davis, what's your plan on living here?

Ms. Davis: being that it's a big family, I'm trying to find somewhere larger, but its affordable for now. I am dependent on that.

Ms. Moermond: in the previous case, I asked the Council to continue its conversation to February 19, 2020 and we'd cut the assessment in half with no same or similar violation. If its cut in half its done in late February of next year, and wondering if you will still be around.

Ms. Davis: most likely.

Ms. Moermond: ok, so he won't have to track you down. I'm going to push this to February 19, 2020 and ask the Council if there's no same or similar to cut it in half. You need to watch for, if you have big things, put them out garbage day or the day before and make sure you call the hauler and let them know about the pickup. You have two bulky items you can get rid of for free. After that there's a charge, but that's less than what the City charges, so ask them about additional items. Lawn mowed, walk shoveled, no garbage in yard, no improvised fire pits.

Referred to the City Council due back on 10/2/2019

- 5 [RLH TA 19-660](#) Deleting the Appealed Special Tax Assessment for property at 336 WYOMING STREET EAST. (File No. VB1910, Assessment No. 198817) (Legislative Hearing on August 20)

Sponsors: Noecker

Delete the assessment.

Referred to the City Council due back on 8/21/2019

- 6 **RLH TA 19-664** Ratifying the Appealed Special Tax Assessment for property at 560 CHARLES AVENUE. (File No. J1924A, Assessment No. 198561)

Sponsors: Thao

Approve the assessment.

Ivan Ferrera, Venture Capital LLC, appeared.

Supervisor Joe Yannarely: Summary Abatement dated April 26, 2019, remove all trash from the ground around property, secure all broken windows and remove piles of rubbish from the back yard. Compliance date of April 30, 2019. Rechecked on April 30, found non-compliant, work order issued to Parks and they performed the abatement on May 2, 2019 for a cost of \$612, service charge of \$162 for a total assessment of \$774.

[video shown]

Supervisor Joe Yannarely: orders were sent to Elizabeth Schwantes and occupant at 560 Charles. It is now a Vacant building.

Mr. Ferrera: this has been a tough property we acquired, Elizabeth was the person who lost the house. She burned the house down, but we have a police calls, they were in the house after they were evicted.

Ms. Moermond: when did you buy it?

Mr. Ferrera: I'm not the owner, it was sometime the end of last year. I don't know the exact month. She was doing drugs, and ran out. The Fire Department bolted the windows. We called and asked how this happened and we have had the police there 3 more times since then, she keeps coming back. She's destroying the yard, I have 3 videos of her there illegally, and the police coming and telling her she will be arrested. We got a dumpster, we have destroyed the shed. And we periodically go there to make sure it's clean, and make sure she's not there. She lives a couple blocks away with her mother, but she keeps coming back. She doesn't know I did that, I don't want issues. It's been really hard trying to rehab the property. Now we have a game plan in mind, we've started the remodel process, to make sure the inside is ok, since it got burned. It's beyond a garbage situation, we don't even know if we can put tenants in if she will come back.

Ms. Moermond: we're trying to figure out why you weren't noticed on the Summary Abatement.

Mai Vang: May 2, 2019 is the closing date.

Ms. Moermond: the orders were issued April 26. During your period of ownership, did you receive notice of this problem, or did she while you owned it. If it happened before it was in your name, you are actually responsible since when you buy the property you buy the assessments as well. They got it during their period of ownership. I'm struggling because this is clearly a headache property.

Mr. Ferrera: we wouldn't have bought it if we knew this would have been a problem.

Ms. Moermond: the City has invested a lot of public services with this property. Lots of police, fire, cleanup services, boarding services, inspections. None of those things the City recoups money for, just cleanups.

Mr. Ferrera: we have someone on staff who just does cleanup for us.

Mr. Yannarely: Lisa with Venture capital has been talking to Rick consistently.

Ms. Moermond: legally, I have to say you have to go after the previous owner for the money. Sounds like you got it at a foreclosure. I have to see where the responsibility lies. It's with the seller, though they aren't voluntarily selling it. It was not a small cleanup, I'm surprised they didn't charge you more for it. I think you would pay that to clean it up. In this case I recommend approval of the assessment. We did send out proper notification.

Mr. Yannarely: should he appeal the boardings?

Ms. Moermond: who were they ordered to? When did they occur.

Mr. Yannarely: it wasn't a summary abatement. 2 emergency boarding cases one for \$445 and another for \$685. May 2 and May 4, 2019. It was all after the cops got those people out.

Ms. Moermond: just to get restoration professionals out there is \$250 for an emergency.

Ms. Vang: it's on for September 3.

Mr. Ferrera: Its \$1,114.

Ms. Moermond: So its all together, the boardings. I'm struggling because the City again had to provide an emergency service to get out there. I'm sympathetic that she keeps doing this, but everyone is taking a financial hit on it. Right now I wouldn't delete the boardings, I may decrease them. Or we can wait until the hearing in September.

Mr. Ferrera: if you could email me and decrease them.

Ms. Moermond: we will see you that day anyways, so I'll wait to review it.

Referred to the City Council due back on 10/2/2019

- 7 RLH TA 19-665** Ratifying the Appealed Special Tax Assessment for property at 1871 NEBRASKA AVENUE EAST. (File No. J1924A, Assessment No. 198561)

Sponsors: Busuri

Reduce assessment from \$688 to \$488.

Ivan Ferrera, Venture Capital LLC, appeared.

Supervisor Joe Yannarely: Summary abatement order for discarded furniture, it was issued April 23, 2019, compliance date of April 29, rechecked May 2, was found in non-compliance, work order was issued and was not performed by Parks until May 10, 2019 for a cost of \$526, service charge of \$162, for a total assessment of \$688. Notice was sent to Venture Capital, LLC in Burnsville, MN. It says cabinets, tires, discarded furniture, and general refuse throughout yard.

[video shown]

Mr. Ferrera: the dishwashing machine was from the property, and the pile of sheetrock, but I do remember making several calls to inspector Rich Singerhouse, I even came here to suite 300 and tried to see how I could get a hold of him, because we did clean up some of it. I think it happened again, and people brought tires. We only have a remodeling contractor, I was calling to let them know there's some illegal stuff in back of the garage.

Ms Moermond: and the carpet?

Mr. Ferrera: I don't want to say it was ours, or it wasn't.

Ms. Moermond: it looks like whoever was doing the rehab was kind of casual about it. They weren't the neatest people.

Mr. Ferrera: we pay our carpet guy to take it with him, so that's why it's weird.

Ms. Moermond: could it be they put it in the alley and didn't have it picked up yet?

Mr. Ferrera: we never have carpet in any part of the property for any flip because he takes it.

Mr. Yannarely: is this the project you're appealing the vacant building fee for?

Ms. Moermond: when did it get in the VB program?

Mr. Yannarely: Jan 22, 2015, and there was a 60 day fee waiver granted March 5. Waive 60 days per inspector, permits closed to sign off, Rich Singerhouse.

Ms. Moermond: I don't see the carpet listed, usually something that big would be included in the capitalized list, so I'm going to decrease this by \$200 to cover any fees of carpet. We can probably decrease the VB fee in half in September.

Referred to the City Council due back on 10/2/2019

8 RLH TA 19-671

Deleting the Appealed Special Tax Assessment for property at 237 SIDNEY STREET EAST. (File No. J1923A, Assessment No. 198556)

Sponsors: Noecker

Delete the assessment due to inspector error.

Referred to the City Council due back on 9/4/2019

10:00 a.m. Hearings

- 9 [RLH TA 19-531](#) Ratifying the Appealed Special Tax Assessment for property at 551 JENKS AVENUE. (File No. J1923A, Assessment No. 198556) (Public hearing continued to February 19, 2020)

Sponsors: Brendmoen

Continue to PH February 19, 2020. If no same or similar reduce assessment from \$442 to \$221.

Gabriel Rysdahl, owner, appeared

Staff report from supervisor Joe Yannarely: orders on a mattress comply by April 15, 2019. It was found in non-compliance, rechecked April 23, 2019. Work order was sent and abatement was performed on the 23, for a cost of \$280, service charge of \$162, for a total assessment of \$442.

Ms. Moermond: at that time I said I'm inclined to recommend approval but wanted to give you an opportunity to say your piece.

Mr. Rysdahl: I know you get two big items, so initially, I thought just putting it out there I was needed to happen. I was in NY for a month, so I didn't get the letter until after my cousin got my mail. I bought that property last September and so far I've put a nice concrete slab in, and cut out a big emergency tree, and have a community garden on the lot next door, and done a lot of other repairs. The area where the dumpster was, was over grown. I own 6 properties, and I am usually very on this type of thing, the confusion was just that I thought they would just pick it up.

[video shown]

Mr. Rysdahl: I was on the roof when the crew came. I didn't do anything because I thought the garbage company would pick it up.

Ms. Moermond: so you never called the garbage company, even though you had a notification from the city.

Mr. Rysdahl: I missed it.

Mr. Yannarely: no open files right now. Patio completed.

Ms. Moermond: I'm going to ask the Council to push this out to February 19, 2020, if no same or similar we will reduce by half to \$221.

Referred to the City Council due back on 9/4/2019

- 10 [RLH TA 19-657](#) Ratifying the Appealed Special Tax Assessment for property at 558 ARUNDEL STREET. (File No. J1925A, Assessment No. 198562)

Sponsors: Thao

No one appeared. Lay over to Legislative Hearing September 17, 2019.

Laid Over to the Legislative Hearings due back on 9/17/2019

- 11 [RLH TA 19-557](#) Deleting the Appealed Special Tax Assessment for property at 362 MINNEHAHA AVENUE WEST. (File No. J1923A, Assessment No. 198556)

Sponsors: Thao

Delete the assessment.

Seregela E Abebe, owner, appeared.

Staff report from supervisor Joe Yannarely: this is a SA for April 8 to remove shattered glass near the alley. The compliance date was April 15, 2019, it was rechecked on that day and found in non-compliance and a work order was sent, the abatement was done on April 16 for a cost of \$274, service charge of \$162, for a total assessment of \$436. Notice was sent to Mr. Abebe at 362 Minnehaha West and occupant.

[video shown]

Mr. Abebe: I swept it up.

Ms. Moermond: The photograph in the Summary Abatement looks different than the before video. I think the effort was there. You can see in the order picture, it's a lot worse than the little bit in the video. There's good evidence you did address the problem. I recommend deletion.

Referred to the City Council due back on 9/4/2019

- 12 [RLH TA 19-553](#) Ratifying the Appealed Special Tax Assessment for property at 389 UNIVERSITY AVENUE WEST. (File No. J1923A, Assessment No. 198556) (Refer to Legislative Hearing on September 17, 2019)

Sponsors: Thao

Send to Public Hearing September 4, 2019 to be referred back to Legislative Hearing September 17, 2019 for property owner to update ownership with Ramsey County.

Ms. Moermond: have you heard anything from Quan?

Mai Vang: Tonya Panzer tried to get a hold of Quan yesterday.

Ms. Moermond: an email chain was started because the 2019 property tax statement went to a Maplewood address, but Amanda and Stamp were just picking up the old vacant parcel. We're trying to figure out why it didn't populate the alternate taxpayer information. Right now, the answer which I don't understand, is Tanya has "it says its correct until 2015, then it changed." Balancing the responsibility of owner to keep information up to date with the fact they didn't get notice. They have a complicated ownership situation.

Ms. Vang: The person who came to the hearing, you gave him until today to get it changed, because it looks like the paperwork didn't get filed. He thinks there's a hearing, but I told him if it's just the paperwork there doesn't need to be a hearing. I think there's a probate issue too.

Ms. Moermond: Layover for one month.

Referred to the City Council due back on 9/4/2019

- 13 RLH TA 19-646** Ratifying the Appealed Special Tax Assessment for property at 791 YORK AVENUE. (File No. J1925A, Assessment No. 198562)

Sponsors: Busuri

Delete assessment due to an appeal filed.

Referred to the City Council due back on 10/2/2019

Special Tax Assessments-ROLLS

- 14 RLH AR 19-102** Ratifying the assessments for Property Clean Up services during May 1 to 10, 2019. (File No. J1924A, Assessment No. 198561)

Sponsors: Brendmoen

Referred to the City Council due back on 10/2/2019

- 15 RLH AR 19-103** Ratifying the assessments for Property Clean Up services during May 13 to 16, 2019. (File No. J1925A, Assessment No. 198562)

Sponsors: Brendmoen

Referred to the City Council due back on 10/2/2019

11:00 a.m. Hearings

Summary Abatement Orders

- 16 [RLH SAO 19-41](#)** Appeal of Pao Thao to a Vehicle Abatement Order at 783 MINNEHAHA AVENUE WEST.

Sponsors: Thao

Grant extension to September 3, 2019 to remove vehicle.

Pao Thao, owner, appeared.

Staff report by Lisa Martin: Vehicle abatement issued to Jeannine Thao, Kia Tou Thao, at this address. It's a black Honda, its missing parts, missing tires, no plates, appears undrivable, and parked on an unapproved surface. We issued those orders on August 5, 2019 with a compliance date of August 13, 2019.

Ms. Moermond: it says here you are waiting for the title?

Mr. Thao: yes, I was in the process of getting the car removed when all this happened. I was trying to salvage the car because I can no longer use it, I'm in the process of getting the title, it turns out it was still registered in California, so I had to talk to the

DMV in California to get the title. I mailed them the application, which I did, and while that was happening, someone took the wheels and stole the engine stuff, while I was waiting for this.

Ms. Moermond: so when is this going to be taken care of?

Mr. Thao: junk dealers can't take it without the title. I haven't gotten anything from California, it's been a week or two.

Ms. Moermond: so you didn't do anything until after the order?

Mr. Thao: I did it before.

Ms. Moermond: this looks terrible, it's the definition of a nuisance. It tells people driving around that we don't care how properties are maintained. It says all the wrong things. I understand you are having title issues. This isn't a new problem, you've had this vehicle for a while. I'm not hearing a specific time when the title will be taken care of. Is there a garage on the property?

Mr. Thao: the garage can't be used.

Ms. Moermond: orders were issued August 5. I'd like to put this in front of Council August 28, and recommend they give an extension through September 3, 2019. Staff will check it on September 4. If the City ends up towing it, it will be very expensive.

Mr. Thao: I'm trying to find someone to take the car without a title. Getting the title from California is being complicated.

Ms. Martin: it's not a manager's tow. Long before the tires were taken, it would have been great if you found someone before that. At this point it's a hazardous condition.

Ms. Moermond: if it was a rental property, you could call police and ask for a manager's tow. But since its owner occupied, and it's your car, so those tools aren't available. So, the Public Hearing is next Wednesday at 3:30, my recommendation will be to give you to September 3 to remove the vehicle. The cost averages about \$750.

Ms. Martin: if you had somebody else with space in their garage, you're still going to have to pay for the towing, but it will still be cheaper than having the City do it.

Referred to the City Council due back on 8/28/2019

Correction Orders

- 17 RLH CO 19-11** Appeal of Cornelius L. Smith to a Correction Notice at 226 BELVIDERE STREET EAST.

Sponsors: Noecker

Layover to LH August 27, 2019.

Laid Over to the Legislative Hearings due back on 8/27/2019

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 18 [RLH VO 19-28](#) Appeal of Patrick Ryan to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 244 DAYTON AVENUE.

Sponsors: Thao

Appellant has withdrawn the appeal (matter is resolved and C of O is reinstated).

Withdrawn

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

- 19 [RLH FCO 19-81](#) Appeal of Michael Gonzalez to a Correction Notice - Complaint Inspection at 1052 DAYTON AVENUE.

Sponsors: Thao

Lay over to Legislative Hearing September 3, 2019. LH Staff to check code for variance for porch.

Mr. Michael Gonzalez appeared

Staff report by Brian Schmidt: this started with a referral, possible CO with bedbugs and feces, mice, and mold in basement, squirrel infestation in attic and dead squirrels in walls. Ed Smith went out for an inspection, he measured one bedroom as 9x9' with French doors from living room to bedroom, and there was door into a porch with no secondary egress with no emergency exit, no windows. He wanted a second set of eyes out there, because it hasn't been called out before, I was out there about 5 years ago, and didn't remember what the room was at that time. I told the property owner one of the options was to appeal.

Ms. Moermond: so you wrote in your appeal, it is a third bedroom and it passed 2 previous inspections.

Mr. Gonzalez: we closed on it January 2011, and been using it as bedroom since then and had passed two previous inspections, and tenants have never complained. We want to keep using it as a third bedroom.

Ms. Moermond: the lack of tenant complaint doesn't mean anything at this point. They wouldn't know the code or know it was a problem likely. I do struggle, there's a door from bedroom into porch.

Mr. Schmidt: and there's a closet too, on the hallway side.

Ms. Moermond: I don't have a floor plan for this space. I assume this is a front porch?

Mr. Schmidt: yes. Facing it, it would be in the northwest corner of the property. You enter in on west side of house, and go upstairs to second floor. It's along the stairwell going up and facing the street.

Ms. Moermond: is it impossible to put a window in?

Mr. Schmidt: is it possible, yes? How is another question. It's a tight area. We talked about getting everything out of the porch, and taking the windows out so it goes directly out. Putting window in is another option.

Ms. Moermond: it has not been my practice to grant these things. A room in the front of the house, this wasn't constructed originally as a bedroom. It's been converted over time for sleeping purposes. The rooms by the porch were almost always sitting rooms, building codes going back forever would have had two exits from them. Even tiny upstairs rooms, they have a window and a door. Different owners have decided different things, others have opened the space to the adjacent rooms, or not used it to sleep. The rule is 50% of the wall must be open.

Mr. Schmidt: if you're looking from the bedroom, it may be close. If you're looking at the living room side there's no way. It's probably a 3' opening. They're small French doors, it's probably 32" for both of them. It probably doesn't even meet the fire rating, doors with glass opening. At most its 4'.

Mr. Gonzalez: they aren't full French doors. If she moved her stuff out of the porch would that help?

Ms. Moermond: it's the windows that are enclosed are the real problem. By opening up the wall, it would need to be 3.5' to 4' if it's a 9x9' room.

Mr. Schmidt: I think it's closer to 32" than 48". Is there a window on the side of the house from the living room?

Mr. Gonzales: it exits into the porch too.

Ms. Moermond: ok so that doesn't improve that situation then. I was thinking the living room window would open outside. You have three options: window directly outdoors, not use the room as a sleeping room, or opening up the porch. We've had porch fires and deaths.

Mr. Gonzalez: Brian and I were talking about removing the windows and frames.

MM: yes, that's what we're talking about, making it an old fashioned open-air porch.

Mr. Gonzalez: can I just take out one window?

Ms. Moermond: typically it all has to come out. Mr. Schmidt do you have another take?

Mr. Schmidt: no, and its built up in the middle, so you can't really just take out part of it or you run into the same problem.

Ms. Moermond: cheapest solution might be an estimate to put a window in the side of the house.

Mr. Gonzalez: windows and screen would come out easy on the porch.

Ms. Moermond: see, I was picturing more like your neighbor's house where the windows wrap around. Is the porch insulated?

Mr. Gonzalez: I don't know

Ms. Moermond: you could remove the wall and make it part of the room.

Mr. Gonzalez: would you be open to me removing the windows and pass it?

Ms. Moermond: this is a gray area. Most cases are like the house to the right (referring to google street view). If there's a fire present, and that much wall being present. How many bedrooms is this unit?

Mr. Gonzalez: 2, and then this one. So, three.

Ms. Moermond: on the right-hand side I see the stairs going up to the second level. The living room for the first-floor unit, is adjacent to the stair case?

Mr. Gonzalez: its right in front, there's a porch there too. Does the stair count?

Ms. Moermond: no, because that's one way out of the house. I'm going to pull the fire code. I'm looking at a 45" opening for the windows. In terms of total wall area, facing exterior, you don't have 50%. In fact, I don't think you have 255, I think it's less than that, window to wall ratio. When people enclose it that much, you expect that it's more a room. I'm hearing it's not weatherized.

Mr. Schmidt: you need to measure the wall width, closet to French doors. 50% of that has to be opened up. If that's right around 5' we can work on that, if it's not, the wall has to be opened up more, and then you may need to install electric radiators.

Ms. Moermond: so that's an option as well. If we have a 9' wall, I wouldn't want to grant a variance for a 32" door removal, I'm looking at something closer to 4' of 9' before I recommend a variance. I'm going to look at code for variance, and you do have an unusual porch situation.

Mr. Gonzalez: and it won't pass if we move the belongings and remove the screens and windows.

Ms. Moermond: right now, it's about if there's a fire in that space, is it enough of an opening. I want to delay making a decision. The porch and bedroom is the upper right-hand corner on the second floor. Layover two weeks, September 3. You can be here to discuss it further, or not. You'll get a letter after that. Your public hearing will be September 18 or 25. I'd like you to draw out a floor plan of the upstairs and send that to me, including where windows and doors and walls are, and measurements of rooms.

Laid Over to the Legislative Hearings due back on 9/3/2019

2:30 p.m. Hearings

Vacant Building Registrations

- 20 [RLH VBR 19-46](#) Appeal of Laura Jelinek, Southern Minnesota Regional Legal Services, on behalf of Tomeka Miller, to a Vacant Building Registration Notice at 1235 MARGARET STREET. (To be referred to Legislative Hearing on

August 20)

Sponsors: Prince

Grant extension to October 1, 2019 for corrections to be completed and Certificate of Occupancy reinstated, or property must be vacated.

Ms. Laura Jelinek, SMRLS, appeared

Ms. Tomeka Miller, renter, appeared

Ms. Leanna Shaff: August 6, Ms. Jelinek reached out to me for help in getting an inspection. I met the property owner, his handyman, the tenant and Inspector Vue there, to assess what was going on. We went throughout the property, I think he understands what needs to be repaired. Its suffers from a lot of deferred maintenance. Property owner was very aggressive and confrontational and attempting to be intimidating. Kept asking how "we" should fix it, I told him we can't tell you how, I don't design and there's lots of different ways to repair things. Quite frankly I would probably add some more to the list.

Ms. Moermond: were there any critical life safety issues to add to the list?

Ms. Shaff: No. The property owner kept trying to argue about why these things weren't called out before and I'd like on the record that he's had to have his Certificate of Occupancy revoked previously before to get him to comply.

Ms. Moermond: where are you at with getting repairs done?

Ms. Jelinek: the owner did reach out to me to get a priority of repairs, he told me it would be done in 30 days. I told him about this hearing, but he said he's only available by phone. We did file in Ramsey county court, it should be scheduled soon, between 10 and 14 days. We're placing insurance on the promise that this will get done in 30 days.

Ms. Moermond: so, lets say you have your hearing and he hasn't completed the work what will you be asking the court to do?

Ms. Jelinek: I would be asking court to order repairs immediately, and then if they weren't done it would trigger either a fine or contempt schedule. I'm guessing he will show up, but that's always an unknown. He's been responsive to emails. He's contracted with a repair person.

Ms. Moermond: it is a rent escrow action in front of the court?

Ms. Jelinek: yes.

Ms. Moermond: I'm trying to put a deadline in front of this that gives your reasonable time depending on which scenario happens, but also put pressure on the owner. Here's what I'm thinking, we can put this in front of Council on September 4, and I'll say the property should be repaired and Certificate of Occupancy reinstated by October 1, or property vacated. That should give you a buffer to get work contracted and completed, he has his 30 days and we'll put 2 weeks on it.

Ms. Jelinek: Ms. Miller had a question, her housing subsidy has also been revoked if he doesn't get the repairs done. I will make sure its abated, and she's not terminated from her assistance.

Mr. Dornfeld: the file got closed on my end on July 24.

Ms. Moermond: yes, because we decided to grant the appeal on the Vacant Building, part of this appeal, looking to resolve it through the Fire C of O program and that if couldn't be resolved we would send it back to Vacant Buildings after that.

Referred to the City Council due back on 9/4/2019

**21 RLH VBR
19-50**

Appeal of Joe Collins to a Vacant Building Registration Fee Warning Letter at 495 KENNY ROAD.

Sponsors: Brendmoen

Waive the VB fee for 90 days.

Matthew Engel appeared

Joe Collins appeared

Ms. Moermond: I did hear an appeal on this matter a couple of months ago.

Mr. Engel: I was unaware of this. We weren't the owners at the time.

Ms. Moermond: there was an appeal, it was filed on orders issued March 6, it's a condemnation unfit for human habitation and revoked C of O, Council voted April 3. The Council's decision was to deny the appeal as it relates to the continuing use for residential purposes until compliance with orders pertaining to the unit is met, and grant to July 1 for compliance with the balance of the orders. July 1 came and went, the building was transacted, but that doesn't change the orders.

Staff report by Leanna Shaff: I was there on July 2 to find the building, still not in compliance. It's pretty clear in the orders, and sent the building over to vacant buildings.

Ms. Moermond: were there any permits pulled?

Ms. Shaff: not one.

Mr. Dornfeld: we opened the VB file per that referral. Inspector Friel's description, 2 story steel and girder commercial building. Building has cracked and missing stucco on exterior walls and number of deficiencies from the list, open Cat 2 VB.

Mr. Engel: basically what my goal is to provide a factual background, what we've done and where we want to go and make a plan that works for everyone. With respect to the overriding big picture, yes, we're here because of the vacant building designation. As I looked at the list, many were related to Mr. Shahid living in the building. It was a failed building; my client now owns it outright. Mr. Shahid is no longer there, several of the items due to it be related to it being a residence. Right now, it's just storage. We want to make it office warehouse space. I have some pictures

Ms. Moermond: for the record, the residential use preceded Mr. Shahid's use of the space. It was used as a shampoo factory.

Ms. Shaff: the previous owner had removed some critical exiting. Now we're dealing

with a change of use, which requires plans submitted to the plan examiner to change it from a factory to warehouse use. Part of the inside of the building, the previous owner had decided to take out some of the factory space and put up walls, there are red tags from the building permit department too.

Ms. Engel: we want to take down the stud walls, we will reuse as much as we can. We will be submitting plans. We'd like to salvage the elevator. The permits, the electrical was done and finalized, and there's a mechanical and warm air as well.

Ms. Moermond: I don't see any current permits.

Mr. Collins: there are two open and two electric closed.

Ms. Moermond: this is pulled in 2017? This doesn't address these issues.

Mr. Collins: Yeah it does. There's an open permit for insulation on new electrical panels, Permit number 18016562, number 12 in the March 6 letter.

Ms. Moermond: what's your point?

Mr. Collins: its closed.

Ms. Moermond: just to be clear, what was dealt with in the springtime was a revocation of the Certificate, writing orders on the state of the building at that time. Once the certificate is revoked, and its referred to the Vacant Building program, the compliance list is not the list that is in the revocation itself, which pertained to its use at that time. Compliance is then dealt with either through a team inspection report, or you coming in with a change of use proposal and all the associated permit applications. It sounds like that's the path you want to take, so when I hear you have closed permits, I think that's nice, but it isn't getting us form where we are needing a change in use having a signed C of O. These plans in front of me don't have any current permits pulled.

Mr. Engel: I think we just need 45 days. We think we can have it done.

Ms. Moermond: I can do a 90 day waiver, but I'm not flexible on getting the change of use done, or do a team inspection which you know is a longer timeline, if you're going to keep it as a repair garage and a residence. If you're going to change the use to office, there's different codes that apply and your kind of starting from scratch. So, your plans would be the starting point, it is now a new thing with new requirements and the application for the permit they would review those things.

Mr. Collins: so, if plans are in and being worked on?

Ms. Moermond: no, it needs to be completed. If it's not done, let it go to assessment, and we can prorate it to half if it's done in 6 months.

Ms. Shaff: when I met you out there you said it would be done 30 days.

Mr. Collins: that was when there were 3 items on the list. I'm trying to invest in the city, it's just frustrating.

Ms. Moermond: you are in the business, you have access to contractors. I'm assuming you have the ability to move quickly. No fee at all for 90 days, discount for 180 days.

Mr. Collins: if we don't do the change in use we can get it out of the Cat 2?

Ms. Moermond: If you don't change the use, you'd need a team inspection. Cat 2 says you have to bring it up to minimum standards for the use that it is at. Minimum standards would be applied in the team inspection. Changing the use, they are going to apply old codes to unchanged parts of the building and if you're building a new wall, you have to put in 2019 electrical code stuff.

Referred to the City Council due back on 9/18/2019

3:00 p.m. Hearings

Other

22 [RLH OA 19-7](#) Appeal of Ben Aeling to a Subsurface Sewage Treatment System Non-Compliant at 2108 DOUGLYNN LANE.

Sponsors: Prince

Layover to Legislative Hearing on September 3, 2019. Recommendation forthcoming.

Mr. Ben Aeling appeared

Ms. Moermond: I read your case pretty thoroughly. I met yesterday with city's building official and plumbing official, Rick Jacobs. He wrote it out of the State plumbing code. I wanted to make sure how it related to the building code. I'm the city code person, they're the state code guys.

Mr. Aeling: I've been focused on septic. But I'm happy to do this.

Ms. Moermond: when I talked to them, we reviewed maps and topography and what I'd like to do is have you make an application by way of permit, and I am going to work with them so we can list a set of objective criteria so you can have the septic system in that location. But there are unique characteristics to your parcel, with differences in how parcels relate to the sewer line. Let's get an application in and get it reviewed, so we know that you can do it within chapter 50 of the local code, and if that can't be done and you just need a variance of the code to make it possible. If you do need that, it comes back to me to grant the variance. After speaking with them this is reasonable alternate route to you. You probably know that long term it's probably better to connect to the sewer, and I know shorter term this is a better solution for you.

Mr. Aeling: to connect to the sewer, its 100 ' and 40' of that is vertical, all of which is private line.

Ms. Moermond: your property is at a lower level than the sewer line, so you'd have to pump uphill, so you'd need an easement through neighbor or go through the City's ROW to connect it. The city isn't allowing that as a policy so you'd need appeal for that.

Mr. Aeling: the immediate neighbor installed sewer, who is significantly higher elevation than us, 4 or 5 years ago, and they went that route. They couldn't do that.

Ms. Moermond: I have that 2106 is septic, 2120 is sewer, 2160 on the corner is septic, on the other side of the street 2121 is septic, and 2159 is sewer.

Mr. Aeling: 2120 was installed recently. Why it was marked noncompliant recently is frustrating me after 10 years, and keeps me up at night.

Ms. Moermond: there's been a glitch in how the testing was documented and shared with regulators. I haven't dug into it, it should be tested every 2 years, and if its outside of Ramsey county its every 3 years, we have it more often because parcels are closer and smaller.

Mr. Aeling: I had a letter every 2 years about it being pumped and inspected, but it was a visual inspection by the pumpers, and sent to the city. I have a new septic design.

Ms. Moermond: I don't need to see it, I can't make decisions based on designs anyways. It also came up that because of how your positioned with the bluff, is any impact your work might have on trees. That was the only other thing that may come up in a review.

Mr. Aeling: my understanding of the rules is that it is a tree preservation area, I can remove trees and can replace them.

Ms. Moermond: I'm going to let DSI make that call when they review your plans. You want to get ahold of Rick Jacobs and see how he wants plans submitted so he can review them. This is an alternative means of compliance with the orders, we'll need to have them review it and make sure it meets codes. I just want to see it again in case we need to do a variance, otherwise I'll let them run with the state and tree codes. Email your plans to Rick Jacobs, and you can copy Steve Ubl, the city's building official. He would have to deice if there's a variance of any building or state codes. Layover for 2 weeks.

Laid Over to the Legislative Hearings due back on 9/3/2019