



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8585*

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Tuesday, June 7, 2016

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Special Tax Assessments

- 1     **RLH TA 16-278**     Ratifying the Appealed Special Tax Assessment for Property at 996 ALBEMARLE STREET (File No. J1610A, Assessment No. 168526).

Sponsors:     Brendmoen

*Approve; no show.*

**Referred to the City Council due back on 7/20/2016**

- 2     **RLH TA 16-293**     Ratifying the Appealed Special Tax Assessment for Property at 1016 AURORA AVENUE (File No. J1610A, Assessment No. 168526).

Sponsors:     Thao

*Fannie Faye Neal, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Order issued Feb 19, 2016; compliance Feb 24; re-checked Feb 25*

*-work done Feb 29, 2016 for a cost of \$344 + \$160 = \$504*

*-no returned mail*

*-Correction Notice was sent on Feb 18, 2016 for lack of water; Condemnation letter sent Feb 25 for lack of water as well as another Summary Abatement letter sent Feb 25*

*-sent to Fannie Faye Neal, 1016 Aurora Ave; and Occupant*

*-re: especially bags and yard waste, plywood or sheet rock rear fence, scrap wood at rear of house.*

*VIDEO - crew removed yard waste, garbage, misc items up against the house*

*Ms. Neal:*

*-that wasn't garbage; it was leaves; she had the garbage, etc. all cleaned up before they came by; the only bags were bags of leaves; she had a guy come pick those up to take to the compost place; however, the compost place was closed so he brought them back; she called the trash man, who said that he couldn't take them; so, she put them in leave bags*

*-the items they moved off the patio was not sheet rock; it was a cabinet and she*

*asked the guy not to move it; he told her that they were supposed to move everything that was loose; she didn't move it into her house because she already had her daughter's furniture, etc. in the house*

*Ms. Moermond:*

*-the letter that came from the city says... remove these things from the yard areas, especially bags of yard waste and 2 wood rails by rear fence, scrap wood by rear of house.*

*Ms. Neal:*

*-the pole that they took from around my fence was put there so the grass didn't come through from the yard next door and also so the little dog couldn't get under the fence*

*Ms. Moermond:*

*-asked if she had tried to call the inspector to explain to him when she got the letter*

*Ms. Neal:*

*-she never got a letter*

*-when they came over, she asked him why they were there and he said, "To clean the mess up back here." She told him that she didn't have a mess; those were leaves; they are not garbage; one of the guys brought the letter to me; she told him that she never got it*

*-she also did not receive the letter they sent about the water*

*-we have a new mail carrier and sometimes he puts other peoples' mail in my box and I take them to the house they belong*

*-she also had some canning jars in a box on the patio; she does a lot of canning; now, they are gone*

*Ms. Seeley:*

*-history: 2011, we had city trash for 9 weeks; 2012, SA -yard waste; etc. done by owner*

*Ms. Moermond:*

*-remember talking with Inspector Essling about the length of time that he would give in his Correction Orders so that it would include at least, one of the drop off days that the compost sites have in the winter because there's limited access to compost sites in the winter; he would give just a little bit longer for yard waste*

*-asked Ms. Seeley what the policy was at this time in DSI*

*Ms. Seeley:*

*-if they call, we will tell them what days they are open*

*-here, there were 6 days given, then 3 more days before the city got out there*

*Ms. Moermond:*

*-the inspector doesn't mention garbage bags in the Orders; would be in the generic listing but he doesn't call it out, specifically*

*-looking at a photo: there was plenty that needed to be cleaned up; there was garbage there; cabinet*

*-the Order went out Feb 19; clean- crew didn't show up until Feb 29*

*Ms. Neal:*

*-she did not get a letter; she never saw the letter until they came to clean-up*

*Ms. Moermond:*

*-she will have Mai Vang call you with her recommendation*

*Recommendation is forthcoming.*

Referred to the City Council due back on 7/20/2016

- 3      **RLH TA 16-296**      Ratifying the Appealed Special Tax Assessment for Property at 231 BATES AVENUE (File No. J1610A, Assessment No. 168526).

Sponsors:      Prince

*Bruce Johnson, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Order issued Feb 22, 2016; compliance Feb 26; re-checked Feb 26*

*-work done Feb 29 for a cost of \$316 + \$160 service charge = \$476*

*-sent to Bruce Johnson, 280 Mounds Blvd; and Occupant*

*-no returned mail*

*-remove brush, trash, TV on blvd*

*VIDEO - removed debris, trash in yard; brush, mattresses*

*VIDEO - looked at it again*

*Mr. Johnson:*

*-the Order was for a TV on the front blvd; he cleaned it up; even though the city property across the street, which has been empty for 10 years, has accumulated over 10 TVs during that time period; has photos; they kind of migrate across the street sometimes*

*-the city also took the recycling containers and my tools from the back yard*

*-the inspector was gone that day, Mon; I had called him the Fri before and told him that I cleaned up the TV*

*Ms. Moermond:*

*-you can file a Room #310*

*-will recommend deletion*

*Delete the assessment.*

Referred to the City Council due back on 7/20/2016

- 4      **RLH TA 16-277**      Ratifying the Appealed Special Tax Assessment for Property at 1061 BUSH STREET (File No. J1610A, Assessment No. 168526).

Sponsors:      Bostrom

*Jon R Bellovich, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement issued Mar 14, 2016; compliance Mar 21; re-checked Mar 21*

*-work done Mar 22 for a cost of \$288 + \$160 = \$448*

*-sent to Jon R Bellovich and Occupant at this address*

*-no returned mail*

*-remove open black bags of leaves from the driveway*

*-little history: orders on garbage 7-22-15; Inspector Westenhofer thought it was illegal dumping and sent it over to Public Works; 8-27-14: orders on garbage near garage*

*Mr. Bellovich:*

*-even though he did not have the time to go to the compost site in that amount of*

time; he called to find out when it was open; it was open on a date that he was unable to make it; so, his plans were to bring it into his garage to get it out of the driveway; he lost track of time

-on May 22, he got off work at 2 pm; got home at 2:30 and he was going to put the bags into the garage but they were gone; he called into the office right away and talked with a Paula, who let him know about the appeal

-based upon the short time (the compost site down the street was open only 1 day that week; and his losing track of time and not getting it out of the driveway; and now, this cost will create a debt crisis; the only additional funds he has is \$125 his savings account); has #6 baby on the way

-he is appealing the time restraint and his financial restraint

Ms. Moermond:

-what's up with the vehicle in this photo

Ms. Seeley:

-she called Mr. Westenhofer; there's no plates on the vehicle; missing parts and appears inoperable

Mr. Bellovich:

-the vehicle has been removed; it was being stored at my house

Ms. Moermond:

-she is sympathetic but is stuck; because other city residents pay for it when you don't

-will ask the City Council to divide it over 5 years

Approve and spread over 5 years.

**Referred to the City Council due back on 7/20/2016**

**5 RLH TA 16-272** Ratifying the Appealed Special Tax Assessment for Property at 1096 BUSH AVENUE (File No. J1610A, Assessment No. 168526).

**Sponsors:** Prince

Heather C Scott, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued Mar 22, 2016; compliance Mar 28; re-checked Mar 28

-work done Mar 29 for a cost of \$190 + \$160 = \$350

-sent to Heather Scott, PO Box 600217, Saint Paul; and Occupant

-no returned mail

-remove shopping cart & tires from the rear fence along the alley

-history: Jan 6, 2016 -Order on a refrigerator in driveway

Ms. Scott:

-she called and talked to the inspector; these were things that I had picked up out of the alley and put them into my backyard; there were 6 tires that had been randomly thrown out; a shopping cart had been there 3 weeks going on 4 weeks; etc; she couldn't take it anymore; I picked it all up and put it in the back of her driveway; then, she had to leave town right away; so, when she spoke to the inspector, she explained that she just got back and her plan was to walk the cart back to where it belonged and she had a call in to her mechanic to see if there was anything they would do about these tires; the inspector told me that he would talk to his supervisor and would get back to me; he didn't; then, I got this letter

Ms. Seeley:

-there has been previous dumping there; Inspector Westenhofer notes that "photos attached; no attempt by owner to remove shopping cart, tires....."

Ms. Scott:

-I spoke with him on the morning of the 29th and we had a plan in place; I told him that I would shove everything into my yard so that it wasn't visible; he said, "Fine"; then, when I had gotten home from work, the city had gone in there and pulled it all out

-I told my neighbor what the plan was; she was surprised when the crew went into my back yard; she had helped me pick up things in the alley in the past

-I was frustrated with the fact that the crew just went into my back yard when I had a plan in place with the inspector

Ms. Seeley:

-I'd like to see the VIDEO

VIDEO - removed tires, shopping cart

Ms. Scott:

-I pushed it where you couldn't see it; I had that agreement with the inspector

Ms. Moermond:

-the photograph clearly shows the tires and shopping cart on the outside of the yard

-will recommend this get deleted

Ms. Seeley:

-in the future, call the city and say there's illegal dumping in the alley, 266-8989; indicate to the call center that you had to move it partially out of the alley

Ms. Moermond:

-can also call the Ward Office

Delete the assessment.

**Referred to the City Council due back on 7/20/2016**

**6 RLH TA 16-270** Ratifying the Appealed Special Tax Assessment for Property at 963 CASE AVENUE (File No. J1610A, Assessment No. 168526).

Sponsors: Bostrom

Ron Mash, AREE Properties LLC, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued Mar 8, 2016; compliance Mar 12; re-checked Mar 14

-work done Mar 15, 2016 for a cost of \$208 + \$160 service charge = \$368

-sent to AREE Properties LLC, 12012 Orchard Ave W, Minnetonka, MN; Daniel Oberpriller, 2919 Knox Ave W Unit 200, Mpls; and Occupant

-no returned mail

-there was a lot of stuff

VIDEO - removed trash along rear alley

Mr. Mash:

-I contacted the management company by phone; Joseph is one of the tenants who

*has been there for a long time; I called Joseph and he took 'before and after' photo because he said that he cleaned it up; it's part of his rent - that was Mar 11, 2016 -also, the management company went out and said that it was OK*

*Ms. Moermond:*

*-showed him the city's photos; loose and scattered was still there; still see the TV*

*VIDEO - one more time - along the alley*

*Ms. Moermond:*

*-that's identical to the photos*

*Mr. Mash:*

*-the tenant said he cleaned it up; the management company said that it was cleaned up; he fired the management company*

*-also, people just dump in the alley*

*-probably took crew about 5 minutes*

*Ms. Seeley:*

*-there's a huge history here: 10-23-14; 11-13-15; 12-29-14 (EC; done by owner; done by owner)*

*Ms. Moermond:*

*-it wasn't done*

*-why does the city have to tell you to clean up the yard*

*Mr. Mash:*

*-I was vigilant; I called the tenant; I called the management company*

*-when people keep dumping in the alley, what can I do to prevent dumping?*

*Ms. Moermond:*

*-lighting; cameras; etc.*

*-will recommend approval*

*Approve the assessment.*

**Referred to the City Council due back on 7/20/2016**

- 7 RLH TA 16-275** Ratifying the Appealed Special Tax Assessment for Property at 457 CLINTON AVENUE (File No. J1610A, Assessment No. 168526).

**Sponsors:** Noecker

*Owner missed hearing; rescheduled to June 21 per his request.*

**Laid Over to the Legislative Hearings due back on 6/21/2016**

- 8 RLH TA 16-269** Ratifying the Appealed Special Tax Assessment for Property at 1032 DULUTH STREET (File No. J1610A, Assessment No. 168526). (Legislative Hearing is July 19, 2016)

**Sponsors:** Bostrom

*7/6/16: appellant called and stated she missed hearing. Rescheduled to July 19 Legislative Hearing, noting Public Hearing is July 20th.*

*6/7/16: Approve; no show.*

Referred to the City Council due back on 7/20/2016

- 9 [RLH TA 16-288](#) Ratifying the Appealed Special Tax Assessment for Property at 1118 EDGERTON STREET. (File No. J1601V, Assessment No. 168000)

**Sponsors:** Bostrom

*Ying Que, Serendipity Investment LLC, owner, appeared.*

*Inspector Paula Seeley:*

*-Vehicle Abatement Order sent Sep 4, 2015; compliance Sep 8; re-checked Sep 8*

*-towed Sep 10, 2015 for a cost of \$595.68 + \$160 service charge = \$755.68*

*-no returned mail*

*-White Cadillac; appeared inoperable with expired tabs*

*-has breakdown of costs: police costs: \$795.68; amount sold for \$200 = \$595.68 + \$160 = \$755.68*

*-photos*

*Mr. Que:*

*-he has no tenant there; he shouldn't be charged for it*

*-it was probably on the property next to mine, that's a vacant lot*

*Ms. Seeley:*

*-I was the inspector and it was on your property*

*-the photo I'm looking at, the car is on a concrete slab on his property, not on the empty lot*

*Mr. Que:*

*-I go to the property frequently (very difficult to understand)*

*-he sees people park cars on that vacant lot all the time*

*Ms. Moermond:*

*-asked why he didn't take of it when the Order came out*

*Mr. Que:*

*-I told the tenant to remove the car*

*Ms. Moermond:*

*-you are the owner; the work was Ordered and it wasn't taken care of*

*-will recommend approval*

*Approve the assessment.*

Referred to the City Council due back on 7/6/2016

- 10 [RLH TA 16-174](#) Ratifying the Appealed Special Tax Assessment for Property at 1231 FARRINGTON STREET. (File No. J1608A1, Assessment No. 168529) (Amended to ratified and reduced)

**Sponsors:** Brendmoen

*Laren D. Suekut, owner, appeared.*

*Mr. Suekut:*

*-he has a memory problem; normally, he has a management company but he hasn't seen them*

*Inspector Paula Seeley:*

*-Summary Abatement issued Jan 22, 2016; compliance Jan 27; re-checked Jan 27  
-work done Jan 28 for a cost of \$288 + \$160 service charge = \$448*

*-no returned mail*

*-Inspector also issued an Order to Provide Garbage Service on Jan 22, 2016; he contacted Coolidge to confirm the service had been cancelled; he issued a Work Order to Parks; subsequently, found out that the property owner had Waste Management for the hauler*

*-history: 11-30-15; 12-18-15 and 1-11-16 - complaints concerning overflowing trash containers; garbage on ground; lack of trash service; SAs were issued but done by owner; inoperable vehicle sent in 15; tall grass & weeds sent also*

*VIDEO - picked up trash; overflowing container; Coolidge container*

*Mr. Suekut:*

*-he did not live there in Jan; it's been a rental for 6 years*

*-tenant was not making trash hauler payments; now the trash hauler is in his name*

*-he asked the garbage hauler to pick up the tenant's original receptacle but the city picked it up*

*-each time Inspector Ross called, he went to pick it up and he closed the lids on tenant's can and called the inspector back to tell him what he had done*

*-when the garbage can had been pick-up there were no more complaints*

*-tenant has moved out*

*-doesn't know where the management company's been in all of this*

*Ms. Seeley:*

*-there was a Waste Management and a Coolidge container there; the Coolidge container was suspended and overflowing; the city emptied that container*

*-there was a Waste Management container next to it was empty*

*Ms. Moermond:*

*-had the Coolidge container been emptied into the Waste Management container, we'd be fine*

*-wants to give credit that the new service had been established and it was ready at the same time*

*-will recommend reducing the assessment by half*

*Reduce the assessment from \$448 to \$224.00.*

**Referred to the City Council due back on 6/15/2016**

**11 RLH TA 16-280**

**Ratifying the Appealed Special Tax Assessment for Property at 1044 FOURTH STREET EAST (File No. J1610A, Assessment No. 168526).**

**Sponsors:** Prince

*Paoze Her, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Order issued Mar 4, 2016; compliance Mar 9; re-checked Mar 9*

*-work done Mar 11, 2016 for a cost of \$298 + \$160 = \$458*

*-sent to Paoze Her, Song Lor, 9110 Edinburgh Ln, Woodbury, MN; and Occupant*

*-no returned mail*

*-remove mattress & garbage from rear yard*



Mr. Her:

-I take pride in keeping my property clean; with the alley, it's very common for dumping - an on-going issue; when I drive by, I pick things up; I always do it  
-he doesn't know if they got the letter or not; this is the first time that we've gotten assessed; history shows that he's very good at cleaning up if he gets a letter from the city

-even if I don't get a letter or if I don't see the letter; I still clean it up if I drive by

VIDEO -not very clear; remove bags and mattress from back yard

Ms. Moermond:

-it is clear in the photo; not very clear in video

VIDEO again - sees mattress

Mr. Her:

-I told the tenant that if they see a mattress or something, they should move it because if the city comes and around and sees it, they will fine us; they've really good about that

-he wouldn't leave a mattress laying around

Ms. Seeley:

-some history of rubbish in yard - 5-21-15 - done by owner; 7-15-15 rubbish in yard - done by owner; 11-22-13 rubbish in yard -done by owner

-this is in the yard

Ms. Moermond:

-illegal dumping almost never appears up against the side of the garage, along with 2 bags of household waste; that was tenants

-tenants received a letter; you received a letter

Mr. Her:

-must not have received the letter or if I had, I wouldn't even be here

-it's not me dumping it there

Ms. Moermond:

Approve the assessment.

**Referred to the City Council due back on 7/20/2016**

**12 RLH TA 16-267**

Ratifying the Appealed Special Tax Assessment for Property at 1593 GERMAIN LANDING (File No. J1610A, Assessment No. 168526).

**Sponsors:** Bostrom

Muhamad Las, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued Feb 19, 2016; compliance Feb 26; re-checked Feb 26

-work done Feb 29, 2016 for a cost of \$288 + \$160 = \$448

-sent to Muhamad Las and Occupant at this address

-no returned mail

-no history on the property

-remove discarded counter top and debris from the side of the garage

*VIDEO - crew removed counter top, wood pieces on side of garage*

*Mr. Las:*

*-has lived at this address for 11 years; we pay an association fee of \$150; we pay for the street lights, sewer, snow removal, mowing grass; etc.*

*-we've had this issue before with our neighbors; as an association, they take it away usually*

*-I replaced my counter top back in Jan and put them out for someone to take; those 3 pieces were laying and I wasn't aware of the Orders; I was out of town, in Iraq and when I came back in Mar, my family gave me the mail (my wife doesn't read English) and there wasn't any Order in the mail, so I thought someone had taken it*

*-the association has 1 meeting a year and they take care of the oversized material (usually in Jul)*

*Ms. Seeley:*

*-there's no history on the property; she thinks that she would have EC'd it; was kind of minor*

*-it's not like it was garbage*

*Ms. Moermond:*

*Delete the assessment.*

**Referred to the City Council due back on 7/20/2016**

- 13 RLH TA 16-281** Ratifying the Appealed Special Tax Assessment for Property at 778 JENKS AVENUE (File No. J1610A, Assessment No. 168526).

**Sponsors:** Bostrom

*Approve; no show.*

**Referred to the City Council due back on 7/20/2016**

- 14 RLH TA 16-287** Ratifying the Appealed Special Tax Assessment for Property at 478-480 LEXINGTON PARKWAY SOUTH (File No. J1610A, Assessment No. 168526).

**Sponsors:** Tolbert

*Owner missed hearing; rescheduled to June 21. (unable to leave PO a voicemail message)*

**Laid Over to the Legislative Hearings due back on 6/21/2016**

- 15 RLH TA 16-282** Ratifying the Appealed Special Tax Assessment for Property at 781 MAGNOLIA AVENUE EAST (File No. J1610A, Assessment No. 168526).

**Sponsors:** Bostrom

*Approve; no show.*

**Referred to the City Council due back on 7/20/2016**

- 16 RLH TA 16-273** Ratifying the Appealed Special Tax Assessment for Property at 789

MAGNOLIA AVENUE EAST (File No. J1610A, Assessment No. 168526).

Sponsors: Bostrom

*Fong Vang, owner, and Yee Yang appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Order sent Mar 16, 2016; compliance Mar 21; re-checked Mar 21*

*-work done Mar 22 for a cost of \$298 + \$160 service charge = \$458*

*-sent to Pazia Lor and Occupant at this address*

*-no mail returned & no history on the property*

*-overflowing container, mattress, headboard near garage*

*-she was the inspector*

*-photos*

*VIDEO - crew removed the same stuff*

*Ms. Yang:*

*-that was my aunt's stuff; when she moved out, she called Waste Management to pick it up; they picked it up, not the city*

*-I didn't move in until Apr*

*-I never received the letter*

*Mai Vang asked her aunt, in the audience, if she received a letter from the city:*

*-she understands; she knows*

*-she has her daughter look at the letters, mail, etc. but she did not receive the letter*

*-the Tue before she left, she called the trash company*

*Ms. Moermond:*

*-the Orders were issued on Wed, the 16th; the clean-up was done Tue, the 22nd, which was also the Waste Management pick up day*

*-she did make a good faith effort to have it picked up*

*-will recommend dividing the assessment in half*

*Reduce the assessment from \$458.00 to \$229.00.*

**Referred to the City Council due back on 7/20/2016**

**17 RLH TA 16-283** Ratifying the Appealed Special Tax Assessment for Property at 1295 MARION STREET (File No. J1610A, Assessment No. 168526).

Sponsors: Brendmoen

*Richard Schultz, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Order issued Feb 19, 2016; compliance Feb 25; re-checked Feb 25*

*-work done Feb 29, 2016 for a cost of \$400 + \$160 = \$560*

*-sent to Del Co Limited Partnership, PO Box 17122, St. Paul; Richard G. Schultz and Occupant at this address*

*-no returned mail*

*-Correction Notice issued 2-19-16 for a water shut off; now in compliance*

*-Vehicle Abatement Order issued 3-16-16; now in compliance*

-especially car parts, scrap wood, doors, windows, siding, steps, other refuse located in rear yard near house

VIDEO - crew removed a lot of material as described above

Mr. Schultz:

-has had this happened to him once before but believes that he was given a lot more time to do it & believes that there was a Notice put on his door  
-he has had a lot of problems with break-ins into the house and garage; he was going to get to these things in spring but when the water was shut off, had to deal with that and he was busy working on other things  
-it all happened so fast; when the city took this, he lost parts that he needed fixing things; there was a storage tank that they ripped right out of the ground - it wasn't hurting anything and it wasn't an eye soar; also a good lawn chair and a little Radio Flyer Wagon, rusty, that he wanted for decoration  
-the mail was late and the city came and took it all before I could even do anything

Ms. Moermond:

-the Order said to take care of it  
-it looks like it was 10 days before the clean-up crew came after the letter was sent

Mr. Schultz:

-he wasn't aware of the Order right away  
-the mail was late; it sure didn't seem like it was that long before the city came  
-I'm disabled, so having something to tinker with is good for me; I'm supposed to keep moving

Ms. Moermond:

-will recommend the City Council divide it over 5 years

Approve and spread payments over 5 years.

**Referred to the City Council due back on 7/20/2016**

18 [RLH TA 16-290](#)

Ratifying the Appealed Special Tax Assessment for Property at 436 MARYLAND AVENUE EAST. (File No. J1601V, Assessment No. 168000)

**Sponsors:** Brendmoen

Appellant Jeremiah Saari, owner, sent an email

Inspector Paula Seeley:

-Vehicle Abatement Order issued Apr 3, 2015; compliance Apr 9; re-checked Apr 9  
-vehicle towed  
-cost: \$780.68 + \$160 = \$940.68

Ms. Moermond:

-reading from the email owner sent: I'm writing on behalf of my tenant; spoke with Mai Vang; she suggested I write an email. Tax assessments started when the neighbors at 440 Maryland parked multiple times at 436 Maryland, this property. Notices were going to 436 but in my name; I work on the East Coast so I wasn't aware of them. Furthermore, they were addressed to the previous owner, who is now deceased; the tenants told me that they never received any Notices. They've already agreed to split the roughly \$450 fine with neighbors. Additionally, the tenants had to pay to get the vehicle out of impound.....

*Ms. Seeley:*

*-the owner has a business; he owns the vacant lot next to him; he's angry because Zoning won't allow him to put a parking area on that vacant lot next to him; he's already been in front of them*

*-the 2 vehicles that I had towed were in the yard but has some parked on that vacant lot, too.*

*Ms. Moermond:*

*-the Order here is to Mr. Saari, not to a deceased person*

*-will recommend approval*

*Approve the assessment. (No one appeared.)*

**Referred to the City Council due back on 7/6/2016**

- 19 RLH TA 16-284** Ratifying the Appealed Special Tax Assessment for Property at 963 MINNEHAHA AVENUE EAST (File No. J1610A, Assessment No. 168526).

**Sponsors:** Prince

*Approve; no show.*

**Referred to the City Council due back on 7/20/2016**

- 20 RLH TA 16-285** Ratifying the Appealed Special Tax Assessment for Property at 974 MINNEHAHA AVENUE EAST (File No. J1610A, Assessment No. 168526).

**Sponsors:** Prince

*Approve; no show.*

**Referred to the City Council due back on 7/20/2016**

- 21 RLH TA 16-274** Ratifying the Appealed Special Tax Assessment for Property at 302 MORNINGSIDE CIRCLE (File No. J1610A, Assessment No. 168526).

**Sponsors:** Prince

*Approve; no show.*

**Referred to the City Council due back on 7/20/2016**

- 22 RLH TA 16-276** Ratifying the Appealed Special Tax Assessment for Property at 1574 PACIFIC STREET (File No. J1610A, Assessment No. 168526).

**Sponsors:** Prince

*Albert Peterson, owner and Laticia Miller, tenant, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Order issued Mar 18, 2016; compliance Mar 23; re-checked Mar 23*

*-work done Mar 25 for a cost of \$316 + \$160 = \$476*

*-sent to Albert E Peterson/Susan F Peterson, 1296 Wilderness Ln, Eagan, MN; and*

*Occupant*

*-no returned mail*

*-there's an on-going open file as of today on garbage*

*-re: overflowing garbage containers and bags in back yard near rear yard near alley  
(both units have garbage)*

*VIDEO - crew removed a couple of black bags*

*Ms. Miller:*

*-that's 1576, not 1574*

*Ms. Moermond:*

*-let's take one more look at the VIDEO to establish where the property line is*

*Ms. Seeley:*

*-this is a side-by-side duplex owned by the same owner (1574 & 1576)*

*Ms. Miller:*

*-the garbage is not on my side (1574)*

*Ms. Moermond:*

*-the city is going to look at the parcel, the whole property*

*Mr. Peterson:*

*-he called Parks & Rec to get a copy of this and they had no record of it; he spoke to Jane and said that he said he had talked with Laticia and she said that she cleaned it up; he drove by and saw that that side was cleaned up; the Notice was on the 1574 side, not 1576*

*-those 2 bags are cans to be recycled; the renter on that side was going to take them in for re-imburement; that wasn't garbage, it was recycling*

*-for him to take the renters' property (which was worth some money) isn't right; you can't take renters' property*

*-Laticia has been very good at cleaning up; we didn't realize that recycling was in violation*

*-we have a pending violation because his garbage hauler didn't pick up the day that the inspector went by; she has since cleaned it up; she has photos*

*-the renters who were there before Laticia we absolute pigs; he took 2 large dumpsters of stuff out of there when they left and there's still a lot of items in the garage that needs to be recycled, etc.*

*-his current renters are both good tenants*

*-the photo shows only those 2 bags of cans; don't see anything else; wonders whether 2 bags of cans that should have been recycled instead of discarded as trash is worth \$476 worth of errors (?)*

*Ms. Seeley:*

*-this complaint that just came in on 6-1 says "garage is full of garbage from top to bottom; you can see it when the garage door is open" but when Inspector Hoffman went out there, he just said "overflowing trash containers; garbage on the ground and litter throughout the yard"*

*Ms. Moermond:*

*-when DSI issues Orders for double addresses, duplexes: upper/lower or side-by-side..... in this case, the Order is issued with the address number as 1574..... the legal address as on record with the county, which is what the city is to use, legally; 1576 could have been used descriptively in the Order*

*Ms. Seeley:*

*-the inspector said that both units had garbage*

*Mr. Peterson:*

*-this morning, I decided to order a 2nd trash can so that we don't have to deal with overflow*

*Ms. Moermond:*

*-under city code, it's actually your responsibility to keep the yard clean*

*Mr. Peterson:*

*-almost \$500 for 2 bags is a pretty significant amount, especially, since we cleaned up all except the 2 bags; we cleaned up all the trash that was there; Laticia made sure that it was cleaned up right away that day when she got a copy of the letter; and no letter was sent to the other side*

*-and, as a landlord, the city put me in a bad position; do I trash my renter's recycling, which is of value to him, and take his property, which I'm not supposed to do, under law (?)*

*-note: as a landlord, he has found the City of St. Paul to be very unfriendly; also, he has found that the inspectors are very bad; they are very unfriendly and eager to write a violation*

*Ms. Moermond:*

*-will ask the City Council to continue this to Oct 5, 2016; if you've had additional Orders on the property and the city has had to ask you to maintain the property, she will recommend that this assessment be paid in its entirety, as written; if there haven't been, we'll get you down to 25% of what the current cost is*

*-no problems; no nothing; clean out the garage - all of it; and it's good*

*Layover to October 5 Public Hearing and if no further violation(s), will delete assessment.*

**Referred to the City Council due back on 7/20/2016**

**23 RLH TA 16-291**

**Ratifying the Appealed Special Tax Assessment for Property at 202 SEVENTH STREET EAST (File No. J1607C, Assessment No. 168526).**

**Sponsors:** Noecker

*Lynne Swalchick, Temporary Asset Manager for the Senior Housing Building, appeared.*

*Inspector Joe Yannarely, Vacant Buildings:*

*-this was an Emergency Summary Abatement Order for a collapsed sidewalk adjacent to the Heritage House Senior Apartments LP due to a failed area way*  
*-the city passed new rules and regulations ... for all area ways and contacting property owners adjacent to these area ways and requiring them to abandon those area ways to the satisfaction of the dept.*

*Ms. Moermond:*

*-could you define "area way" for the record?*

*Mr. Yannarely:*

*-it's kind of a vault underneath a public ROW to be used ..... of the ownership of the adjacent property.....it might have been from 100 years ago... originally used for coal shoots or storage, etc.*

-they are dealt with case by case as they fail  
-this one failed; the cost to repair was \$5963.50 + \$160 service charge = \$6123.50

Ms. Swalchick:

-218 7th Street East is where the senior building is located; David Brooks owns the garage next door; there are 2 more buildings  
-202 7th Street East is the parking lot; on the Sibley side, someone was shoveling the sidewalk, the sidewalk collapsed and they fell in the hole; we just assumed that there had to be some kind of break in a pipe or something that washed the soil away there that would have this much damage but we don't feel that we're responsible for this; we shovel the sidewalk; we pay the property taxes and now, you said that the city knows these things are underneath sidewalks in certain areas; our parking lot had a sink hole last year or a couple of years ago and they didn't think anything of it; now, the low spots in the lot are making her nervous; we were just going to have the asphalt contractor come in and make it level - it's dipping and it never used to do that  
-she feels that they don't have any responsibility whatsoever

Ms. Moermond:

-there is property owner responsibility for the sidewalks  
-this is going to be more complicated than what we can resolve here today

Ms. Swalchick:

-I think I should go before the City Council  
-this is an awfully big bill for a property owner

Ms. Moermond:

-I think so, too; and it is  
-if the sidewalk in front of my house gets re-built, I assume the financial responsibility; there have been cases where the city steps to pay a portion of that cost, which may be something to look for in this case  
-in the Public Works world, when sidewalks are built or when they plan to rebuild them, there's a preliminary Order; they guess how much it's going to cost; everyone gets a post card and they all talk about it; then work happens; and then the final Order.... many steps with many opportunities for the neighbors to talk about it but when it's an emergency hole in the ground underneath the sidewalk, all of those things are gone, and conversation happens after the fact  
-the "special assessment" process that we are in, are to re-coup the cost of doing the work

Ms. Swalchick:

-the thing is that the city knows they are there; they should have, at least, investigated it; checked it out - do something to see if it still maintained weight

Ms. Moermond:

-she hears that argument; she also hears the argument about the property owner responsibility, as well and due diligence  
-this is something that we're not resolving right now  
-what she can do is put in front of the City Council what she thinks is a good starting point with assessment, which is that she will recommend that it gets divided over 5 years; she will not recommend that it gets cut; right now, she doesn't have a good sensibility of what a right cut would be, if there is a right cut and what the overall long term policy is going to be about this; it's not something that we normally engage here

Ms. Swalchick:

-what about the street? There's a whole big part of the street we had to asphalt.



Ms. Moermond:

-right; I get that

-will start out with dividing this over 5 years; importantly, this needs to be shared with the Real Estate folks, who deal with Public Works type issues

Ms. Swalchick:

-we pay enough taxes; it should be able to provide something besides re-cycling and street maintenance

Ms. Moermond:

-thinks these are good discussions but she does not have authority over those dollars

-City Council Public Hearing Jul 20, 2016; staff may want to talk with you before then

Approve & spread over 5 years.

**Referred to the City Council due back on 7/20/2016**

**24 RLH TA 16-279**

Ratifying the Appealed Special Tax Assessment for Property at 333 SHERBURNE AVENUE (File No. J1610A, Assessment No. 168526).

**Sponsors:** Thao

Obsa Negassa, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued Mar 4, 2016; compliance Mar 10; re-checked Mar 11

-work done Mar 15, 2016 for a cost of \$318 + \$160 = \$478

-re: refuse; including mattress, box spring & loose litter on blvd

-sent to Obsa Negassa, 2707 28th St E, Mpls, MN; and Occupant

-no returned mail

VIDEO - crew picked up mattress, box spring on property and loose & scattered litter on property

Mr. Negassa:

-when this happened, he was out of the country; but the pastor next door told him that the tenant next door had moved out and put the spring and mattress out there on the blvd; it was right on the border of the property; he has not need of a mattress on a vacant lot

VIDEO - again

Ms. Moermond:

-I have a photo and that's on your property

Mr. Negassa:

-this is a vacant lot

-he has complained about the next door tenants leaving stuff on his property; his City Councilmember told him that there was nothing he could do for him; since there's no way for him to keep an eye on the vacant lot, people will take advantage of that; we know that the next door neighbors use this lot as a dumping ground; the pastor is a witness

Ms. Moermond:

-you are responsible for maintaining the property that you own, even if you don't live there

*-I'm sorry that you are having problems*

*Mr. Negassa:*

*-this is not my problem; it's on the blvd and that's the city's problem*

*Ms. Moermond:*

*-the blvd is a right-of-way; it's your property and the public has the right to walk through it*

*Mr. Negassa:*

*-what do you suggest I do? Can I put up a fence? What do I need to do for the future?*

*Ms. Moermond:*

*-go by the property often; meet and talk with your neighbors*

*Ms. Seeley:*

*-we spoke about this with Steve Ubl; you can't surround a vacant lot with a fence but sometimes, they've allowed a permit to put up a fence in the front of the vacant lot; illegal dumping is everywhere; unfortunately, you're a victim of a crime; it's all over  
-have the pastor call you as soon as he sees it*

*Ms. Moermond:*

*-will you commit to working with the pastor or someone else when you are not there?  
-will recommend dividing the assessment in half*

*Reduce from \$478.00 to \$239.00.*

**Referred to the City Council due back on 7/20/2016**

**25**     [SR 16-50](#)

Review Request of Obsa Negassa for the Appealed Special Tax Assessment for Property at 333 SHERBURNE AVENUE (File No. J1602A, Assessment No. 168501). (Adopted by Council January 7, 2016).

**Sponsors:**        Thao

*Obsa Negassa, owner, appeared.*

*Ms. Moermond:*

*-why are we talking about this last year's issue?*

*Ms. Mai Vang:*

*-Mr. Negassa called and wanted to see the VIDEO; you had laid it over to see the VIDEO but it wasn't hear when it was re-scheduled; consequently, he never got an answer*

*Mr. Negassa:*

*-I want to see the VIDEO*

*VIDEO - the crew removed wood in the fire pit and ashes along the vacant lot*

*Mr. Negassa:*

*-I have pictures, too; they were already shared with you and you said you'd would wait for the VIDEO*

*Ms. Moermond:*

*-the City Council decided on this a year ago*

*Mr. Negassa:*

*-but you didn't have the VIDEO*

*Ms. Moermond:*

*-doesn't know what the miscommunication was; what she does know is that there's another means to appeal beyond the City Council, if you choose and that is to go to District Court*

*-are you asking me to go to the City Councilmember asking for a change?*

*Ms. Mai Vang:*

*-she thinks the argument is that you laid it over twice to see the VIDEO, he never got a response; he never got documentation; it went straight to City Council as an approval*

*Ms. Moermond:*

*-this concern is all brand new to me*

*-will look at your pictures again*

*-she reviewed the minutes from last year; sees that it was offered that you could go to DSI to watch the VIDEO*

*-the VIDEO was not available at the Oct 6, 2015 LH; there's no note that you offered to share your photos*

*-it does show that on Oct 20, 2015, I watched the VIDEO, which I said that I would at the previous LH; then a decision was put onto the record*

*-viewed his photos and asked that he email them to LH*

*Mr. Negassa:*

*-he talked to the inspector about what he could do (could not understand the rest of his words)*

*Ms. Moermond:*

*-photos: 1st one showed a large piece of plywood over the top of the fire pit area and bricks and other items; 2nd one showed the plywood removed and some bricks and other items - not much*

*-it's not clear to her ...*

*Recommendation for amendment, if any, is forthcoming.*

#### **Received and Filed**

**26 RLH TA 16-292**

**Ratifying the Appealed Special Tax Assessment for Property at 978 WOODBRIDGE STREET (File No. J1610A, Assessment No.168526).**

**Sponsors:** Brendmoen

*Dean Kolner, ISTC Properties LLC, owner, appeared.*

*Inspector Joe Yannarely:*

*-Summary Abatement Order issued for garbage & rubbish in back by garage on Feb 26, 2016; compliance Mar 2; re-checked Mar 2*

*-work done Mary 4, 2016 for a cost of \$288 + \$160 = \$448*

*-it was briefly in the Vacant Building Program but it's not any more (from Feb 25, 2016 - Mar 23, 2016)*

*-photo*

*Mr. Kolner:*

*-I responded; it had gone into the VB Program and I spoke with Mr. Dornfeld on this and told him that this property was listed with \_\_\_\_\_ Warehouse; it was pristine inside; the fire inspector came in and said that I had to fix a couple of things and it would be fine*

*Mr. Yannarely:*

*-this isn't about the VB status; it's about a clean-up of garbage & rubbish in back by the garage*

*Mr. Kolner:*

*-I went over there and cleaned it up; if it's something that I didn't know about, I want to see it*

*Mr. Yannarely:*

*-introduced the photo*

*VIDEO - crew picked up small amount of trash; there was no furniture*

*Mr. Kolner:*

*-when I got the letter, I went and cleaned it all up*

*-you're saying that's \$400! That's 1 bag! In fact, I talked to the inspector after I was done and told him that it was cleaned up; he thinks this is something else*

*-I'm very responsible; that's why I'm here today*

*Ms. Moermond:*

*-viewed VIDEO again; the VIDEO shows something different from the photo*

*-will recommend deletion*

*Delete the assessment.*

**Referred to the City Council due back on 7/20/2016**

**27**     [RLH TA 16-289](#)

**Ratifying the Appealed Special Tax Assessment for Property at 647 YORK AVENUE. (File No. VB1608A, Assessment No. 168820) (Public hearing to be continued to August 3, 2016)**

**Sponsors:**        Bostrom

*Obsa Negassa, tax owner, appeared.*

*Inspector Joe Yannarely:*

*-this is a Category 3 Commercial Vacant Building and has been in the program since Jan 2004*

*-it appears that Mr. Negassa purchased the property in Apr 2015*

*-there's an active team inspection*

*-multiple permits have been pulled*

*-anniversary date is Jan*

*-cost for the annual VB fee: \$2025 + \$155 service charge = \$2180*

*Mr. Negassa:*

*-it's 85% finished*

*-will be done in Aug*

*-asking for a layover*

*Ms. Moermond:*

*-there already has been a Layover on this a couple times to give you an opportunity to get it done*

*Mr. Negassa:*  
*-this is my first time appealing*  
*-is working with city inspections (timing)*

*Ms. Moermond:*  
*-will ask the City Council to Lay this Matter Over to Aug 3, 2016; if you are finished by then, and you have your Certificate of Code Compliance, she will recommend reducing the assessment by half; if you are not finished at that time, she will recommend approving the entire assessment*

*To continue public hearing to August 3 and if the work is completed, will reduce the VB fee in half.*

**Referred to the City Council due back on 6/15/2016**

- 28**     [RLH TA 16-256](#)     Ratifying the Appealed Special Tax Assessment for Property at 1739 YORK AVENUE. (File No. J1609A, Assessment No. 168525)

*Approve the assessment; no show.*

*Muhammed Las, owner, appeared.*

**Referred to the City Council due back on 6/15/2016**

#### **Special Tax Assessments - TO BE DELETED, NO HEARING NECESSARY**

- 29**     **RLH TA 16-286**     Ratifying the Appealed Special Tax Assessment for Property at 581 VAN BUREN AVENUE (File No. J1610A, Assessment No. 168526).

**Sponsors:**     Thao

*Delete the assessment as the inspector failed to issue a summary abatement order to the property owner to clean up the property. (No hearing necessary)*

**Referred to the City Council due back on 7/20/2016**

#### **Special Tax Assessments Rolls**

- 30**     [RLH AR 16-36](#)     Ratifying the assessments for Boarding and/or Securing services during November 2015 at 837 FOURTH STREET EAST. (File No. J1606B1, Assessment No. 168108)

**Sponsors:**     Stark

*Approve; no one appeared.*

**Referred to the City Council due back on 7/6/2016**

- 31**     **RLH AR 16-39**     Ratifying Property Clean Up services during February 29 to March 29, 2016. (File No. J1610A, Assessment No. 168526)

**Sponsors:**     Stark

**Referred to the City Council due back on 7/20/2016**

- 32    **RLH AR 16-40**    Ratifying Trash Hauling services during March 2 to 30, 2016. (File No. J1610G, Assessment No. 168710)  
*Sponsors:*        Stark  
**Referred to the City Council due back on 7/20/2016**
- 33    **RLH AR 16-41**    Ratifying Demolition services from December 2015 to January 2016. (File No. J1607C, Assessment No. 162008)  
*Sponsors:*        Stark  
**Referred to the City Council due back on 7/20/2016**
- 34    **RLH AR 16-42**    Ratifying Demolition services from December 2015 to January 2016. (File No. J1608C, Assessment No. 162009)  
*Sponsors:*        Stark  
**Referred to the City Council due back on 7/20/2016**
- 35    **RLH AR 16-43**    Ratifying Tree Removal services from March to April 2016. (File No. 1605T, Assessment No. 169004)  
*Sponsors:*        Stark  
**Referred to the City Council due back on 7/20/2016**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 36    [RLH SAO 16-19](#)    Appeal of Daniel Veesenmeyer to a Summary Abatement Order and Vehicle Abatement Order at 171 GRANITE STREET.  
*Sponsors:*        Brendmoen  
*Daniel Veesenmeyer, tenant, appeared.*  
  
*Inspector Paula Seeley:*  
*-Vehicle and a Summary Abatement Order*  
*-received a complaint May 17 regarding the mess on this property; she went out and found a couple unlicensed commercial trailers with junk all over them; also a huge commercial truck*  
*-the photos were all in the system the day she took them and have since, disappeared; Mai has seen them, also; now, they cannot find them*  
*-Both Inspectors Magner and Neis went out too*  
*-there are bob cats, commercial trucks, a camper trailer with expired tabs and a busted out windshield, a bob cat spilling hydraulic fluid all over the driveway and seeping into the soil; the whole yard is just filled with stuff*  
*-Mr. Magner said that it's worse than it's ever been*  
*-met Mr. Neis out there yesterday; he was going to Revoke but .....he noted that all parking spaces needed to be asphalt or concrete; electrical cord in basement spliced into a generator; broken windows; pressurized cylinders; propane tanks; discharge on sidewalk and street; must provide access to all areas on Friday for A.J; deck and*

trailers are full of stuff

-it's exactly as it was or worse than it was when we dealt with the property last year;

the neighbors are very upset

-the deadlines were May 27 and today is Jun 7

Mr. Veesenmeyer:

-the guy who owns property behind him was going to put up a fence; he surveyed it and gave him a couple of weeks to grade it all off; the whole yard is under landscape

-since then, he got the alley all cleaned out and was working on the grading; cut a bunch of trees down and a lot of brush

-he just needs more time; his garden has been delayed to put up that fence

-the other side of the alley is commercial property; he gave me permission to park.....

-the cord coming out of the basement was for welding, which is done

Ms. Moermond:

-how much time do you need

Mr. Veesenmeyer:

-he has a big family get together on Jul 4; like to be done by then; it will turn out nice;

have big stones to match the retaining wall and wants to get a permit for the garage;

needs time to get his garden in

-it's someone else's camper, not his; has cut down 27 trees; needs a chipper

Ms. Moermond:

-you can't get that long

-deadline for vehicle if Jun 10; inspector will check on Mon

-deadline for yard clean-up is Jun 24

-City Council Public Hearing Jun 15, 2016

-she is not addressing Inspector Neis' Orders on the C of O; she got them yesterday

Deny the appeal and grant an extension on the Vehicle Abatement until June 10 and grant until June 24, 2016 for compliance on the yard.

**Referred to the City Council due back on 6/15/2016**

## Correction Orders

- 37 [RLH CO 16-16](#) Appeal of Shoua T. Khang to a Correction Notice at 861 HUDSON ROAD.

**Sponsors:** Prince

Shoua T. Khang, owner of 861 Hudson Road, appeared. (Mai Vang interpreted.)

Cynthia M. Perron, owner and Beverly Perron, 726 Plum Street, appeared.

Ms. Moermond:

-she received a survey from Mr. Khang

Christine Boulware, Heritage Preservation Commission (HPC):

-survey shows that this retaining wall as well as the fence are on Mr. Khang's side of the property (861 Hudson Rd)

-shows erosion and the wall has either started to fall or failed; and has shifted over time; started to lean (sometime after 1925-928)

-based on the survey provided by both parties is that the failing of the wall will structurally impair the garage at 726 Plum

*Ms. Moermond:*

*-the survey shows that the wall on Mr. Khang's property at 861 Hudson Rd is retaining Plum's soil  
-there has been erosion; the fence is also on 861*

*Inspector Paula Seeley:*

*-a Summary Abatement was issued to both parties*

*Ms. Beverly Perron:*

*-they would like to know who put up the wall in the first place; there must have been a reason to put that wall up*

*Ms. Cynthia Perron:*

*-obviously, if it's not on our property, we're not going to pay for it; that's \$5000*

*Ms. Moermond:*

*-the city is in a position of only being able to hold Mr. Khan accountable for fixing the wall that sits on his property at 861 Hudson Road; the problem is that's just the law that the city can look at for abating nuisance conditions; the law that would talk about the financial responsibility and other responsibility for maintaining retaining walls would hold the Perrons accountable but she is not District Court and it not looking at any of that (your is the soil that is supported by the wall); the Perrons are also the ones who would suffer more should the wall fail  
-believes this issue is well suited for the Neighborhood Mediation Center to help sort out accountability - how you want to do that between your properties, knowing that you both have a stake in it  
-a structural engineer needs to be engaged for the wall and the garage, as to what steps can be taken and to help devise a plan; how you divide that up is up to you  
-this isn't the best forum for solving this issue; Criminal Court isn't the best forum for solving this; so, what do we do*

*Ms. Seeley:*

*-according to the survey, this wall is on 861 Hudson and the wall is holding back Plum's solid; City building engineer Steve Ubl says that the wall belongs to whomever's soil it retains; she is in a quandary  
-can't we just fix the portion on the wall that's failed; then, eventually, when something else happens down the line, we will have to deal with it at that time (?)  
-it's a block wall with a concrete cap on it*

*Ms. Boulware:*

*-there's a section that actually has different block in it, too; looks like there might have been some repairs made over time  
-this is something that is bigger than is just a wall falling down; it involves a garage, too  
-HPC doesn't know who/when the wall was built*

*Ms. Perron:*

*-there were 2 trees, one by the wall where his garage is (have pictures) was cut down; how do I know that when the tree was cut down, it didn't damage the wall; in her opinion, when that tree was taken down, it further damaged the wall damaging lateral support*

*Ms. Moermond:*

*-too many of these types of cases end up in litigation; if there's a way that you can avoid litigation, get yourself a structural engineer to give you a repair solution; then, hire someone to execute that; make sure you get city permits to make sure the city*



*inspects it and that you have a record that the work was carried out  
-she will grant the Perron's appeal; she wants to check with the City Attorney; want to grant a good plenty amount of time - to Dec 1, 2016 (this construction season) or more (?)*

*-she can work with them longer if a structural engineer says it's OK  
-the work will need to occur on the Hudson property; the responsibility to do that work is whomever's soil is being held up*

*Ms. Perron:*

*-either way, we want this fixed; we don't want our property falling on his property; we don't want our garage compromised*

*Mr. Khang:*

*-indicated that there's no agreement about the retaining wall .....so, he will just clean-up the retaining wall and leave it at that*

*Ms. Moermond:*

*-there are quite a number of bricks that aren't connected to a wall - moving those aside is wise because they can be re-used; an engineer will be a better judge; also, Ms. Boulware thinks that keeping the capped bricks would be good for re-use  
-wants everyone to be aware that there may be a lot of alternatives between where the law is on this and where the building official is on it; and the Mediation Center is the way to go to solve this in a neighborly way*

*-you guys need to agree on whether you are going to do basic repair to the all; who's responsible for shoring the garage; what company you'll hire; you both had surveys done separately; there are folks out there who could give you good advice; important that you have a structural engineer*

*-you can talk about the fence during mediation (thinks that taking the fence out will only make the retaining wall problem worse)*

*-start with a masonry contractor for the wall; you'll need a structural engineer's perspective for the garage*

*Ms. Boulware:*

*-there is also a possibility that a mason, who does retaining walls, might be able to advise and possibly repair/re-build; the wall doesn't look as though it's more than 2-3 feet tall*

*-she can send them (thru Mai) a list of professionals that they might be able to use*

*Ms. Moermond:*

*-thinks that both parties need to fix the wall; she can only concern herself with the Order on Mr. Khan's property; but the legal financial responsibility for holding up the wall is going to fall on the Perrons (will forward the city's building official, Steve Ubl's email)*

*-together, you can use a mediator or there's the possibility of doing this on your own (together)*

*-it makes sense having 2 different contractors come to advise, give opinions, estimate*

*-let's talk again; will give you a chance for each of you to pick one contractor to get a bid*

*Layover to Jun 21, 2016 LH so that the owners can get bids from masonry contractors or a structural engineer.*

**Laid Over to the Legislative Hearings due back on 6/21/2016**

STREET.

Sponsors: Prince

*Shoua T. Khang, owner of 861 Hudson Road, appeared. (Mai Vang interpreted.)  
Cynthia M. Perron, owner and Beverly Perron, 726 Plum Street, appeared.*

*Ms. Moermond:  
-she received a survey from Mr. Khang*

*Christine Boulware, Heritage Preservation Commission (HPC):  
-survey shows that this retaining wall as well as the fence are on Mr. Khang's side of the property (861 Hudson Rd)  
-shows erosion and the wall has either started to fall or failed; and has shifted over time; started to lean (sometime after 1925-928)  
-based on the survey provided by both parties is that the failing of the wall will structurally impair the garage at 726 Plum*

*Ms. Moermond:  
-the survey shows that the wall on Mr. Khang's property at 861 Hudson Rd is retaining 726 Plum's soil  
-there has been erosion; the fence is also on 861*

*Inspector Paula Seeley:  
-a Summary Abatement was issued to both parties*

*Ms. Beverly Perron:  
-they would like to know who put up the wall in the first place; there must have been a reason to put that wall up*

*Ms. Cynthia Perron:  
-obviously, if it's not on our property, we're not going to pay for it; that's \$5000*

*Ms. Moermond:  
-the city is in a position of only being able to hold Mr. Khan accountable for fixing the wall that sits on his property at 861 Hudson Road; the problem is that's just the law that the city can look at for abating nuisance conditions; the law that would talk about the financial responsibility and other responsibility for maintaining retaining walls would hold the Perrons accountable but she is not District Court and it not looking at any of that (your is the soil that is supported by the wall); the Perrons are also the ones who would suffer more should the wall fail  
-believes this issue is well suited for the Neighborhood Mediation Center to help sort out accountability - how you want to do that between your properties, knowing that you both have a stake in it  
-a structural engineer needs to be engaged for the wall and the garage, as to what steps can be taken and to help devise a plan; how you divide that up is up to you  
-this isn't the best forum for solving this issue; Criminal Court isn't the best forum for solving this; so, what do we do*

*Ms. Seeley:  
-according to the survey, this wall is on 861 Hudson and the wall is holding back Plum's solid; City building engineer Steve Ubl says that the wall belongs to whomever's soil it retains; she is in a quandary  
-can't we just fix the portion on the wall that's failed; then, eventually, when something else happens down the line, we will have to deal with it at that time (?)  
-it's a block wall with a concrete cap on it*

Ms. Boulware:

- there's a section that actually has different block in it, too; looks like there might have been some repairs made over time
- this is something that is bigger than is just a wall falling down; it involves a garage, too
- HPC doesn't know who/when the wall was built

Ms. Perron:

- there were 2 trees, one by the wall where his garage is (have pictures) was cut down; how do I know that when the tree was cut down, it didn't damage the wall; in her opinion, when that tree was taken down, it further damaged the wall damaging lateral support

Ms. Moermond:

- too many of these types of cases end up in litigation; if there's a way that you can avoid litigation, get yourself a structural engineer to give you a repair solution; then, hire someone to execute that; make sure you get city permits to make sure the city inspects it and that you have a record that the work was carried out
- she will grant the Perron's appeal; she wants to check with the City Attorney; want to grant a good plenty amount of time - to Dec 1, 2016 (this construction season) or more (?)
- she can work with them longer if a structural engineer says it's OK
- the work will need to occur on the Hudson property; the responsibility to do that work is whomever's soil is being held up

Ms. Perron:

- either way, we want this fixed; we don't want our property falling on his property; we don't want our garage compromised

Mr. Khang:

- indicated that there's no agreement about the retaining wall .....so, he will just clean-up the retaining wall and leave it at that

Ms. Moermond:

- there are quite a number of bricks that aren't connected to a wall - moving those aside is wise because they can be re-used; an engineer will be a better judge; also, Ms. Boulware thinks that keeping the capped bricks would be good for re-use
- wants everyone to be aware that there may be a lot of alternatives between where the law is on this and where the building official is on it; and the Mediation Center is the way to go to solve this in a neighborly way
- you guys need to agree on whether you are going to do basic repair to the all; who's responsible for shoring the garage; what company you'll hire; you both had surveys done separately; there are folks out there who could give you good advice; important that you have a structural engineer
- you can talk about the fence during mediation (thinks that taking the fence out will only make the retaining wall problem worse)
- start with a masonry contractor for the wall; you'll need a structural engineer's perspective for the garage

Ms. Boulware:

- there is also a possibility that a mason, who does retaining walls, might be able to advise and possibly repair/re-build; the wall doesn't look as though it's more than 2-3 feet tall
- she can send them (thru Mai) a list of professionals that they might be able to use

Ms. Moermond:

-thinks that both parties need to fix the wall; she can only concern herself with the Order on Mr. Khan's property; but the legal financial responsibility for holding up the wall is going to fall on the Perrons (will forward the city's building official, Steve Ubl's email)

-together, you can use a mediator or there's the possibility of doing this on your own (together)

-it makes sense having 2 different contractors come to advise, give opinions, estimate

-let's talk again; will give you a chance for each of you to pick one contractor to get a bid

Layover to Jun 21, 2016 LH so that the owners can get bids from masonry contractors or a structural engineer.

**Laid Over to the Legislative Hearings due back on 6/21/2016**

- 39**     **RLH CO 16-15**     Appeal of Philip Varchenko to a Correction Order at 1627 MARSHALL AVENUE. (Public hearing continued from May 18)

Sponsors:     Stark

No one appeared.

Ms. Moermond:

-will recommend the Council grant 2 weeks for the property to come into compliance

Inspector Paula Seeley:

-believes that he is still in the hospital

Ms. Moermond:

-doing Layovers on this is not helping the situation; we have extensive code violations and probable interior problems

-knows that the owner wants to let it go and she doesn't have any tools to help with this

-thinks that someone like Referee Yannish can step forward with resources that she has regarding medical and social service world in addition to other things

Ms. Seeley:

-we could issue a citation

Ms. Moermond:

-it can definitely go into the Vacant Building Program; we've laid it over many times, which is not bringing us any closer to a solution

Deny the appeal and grant until July 1, 2016 for compliance.

**Referred to the City Council due back on 6/15/2016**

- 40**     [RLH CO 16-14](#)     Appeal of Quintin L. & Robyn Koger Kidd to a Correction Notice at 1064 PACIFIC STREET.

Sponsors:     Prince

**Laid Over to the Legislative Hearings due back on 6/21/2016**

- 41**     **RLH VO 16-19**     Appeal of Nancy Barnes to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1159 PASCAL STREET

NORTH.

**Sponsors:** Stark

**Laid Over to the Legislative Hearings due back on 6/21/2016**

- 42 [RLH CO 16-22](#) Appeal of Tammy Soler to a Correction Notice at 652 MAGNOLIA AVENUE EAST.

**Sponsors:** Bostrom

*Rescheduled per owner's request. (No one appeared.)*

**Laid Over to the Legislative Hearings due back on 6/14/2016**

- 43 [RLH VO 16-22](#) Appeal of Janice L. Van Allen Wilson to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 680 OTSEGO STREET.

**Sponsors:** Brendmoen

*Janice L. Van Allen Wilson, owner, appeared.*

*Ms. Wilson:*

*-the letter is from her brother, Executor of her dad's estate; the inheritance may be able to be delivered by the end of the year*

*Inspector Paula Seeley:*

*-had a complaint from SPPD about the living conditions on the interior of the house; she went out there with the police; Janice let her in; her daughter lives there with her boy friend and 2 small children*

*-she found it to be unsanitary: excessive clutter in every room; debris around the furnace, fire place; smoke detectors disarmed; the carpeting is quite soiled and has to go, along with a lot of other things; there are birds, cats that need to be taken care of; extension cords for the refrigerator because fuses are blown; would like someone to take a look at the electrical*

*-has new photos (some of the spaces have been cleaned)*

*Ms. Wilson:*

*-the carpet has been cleaned 3 times; the plan is to replace the carpeting, linoleum and the under flooring in the entry way*

*-has been working with Erica, House Calls*

*-the furnace/water heater is original from 1984; doesn't have the money to replace them*

*Ms. Seeley:*

*-now, it looks much better (photos); doesn't like seeing the burn and scorching on the bottom of the water heater*

*-sees that a lot of progress has been made*

*-hooked Ms. Wilson up with Daytons Bluff NHS*

*Ms. Wilson:*

*-have contacted Daytons Bluff NHS and the city about a loan; she doesn't meet the qualifications for a low interest loan*

*-it's her daughter's home; it's difficult for her to find housing; the shelters are full; she can't get in; there were openings at Dorothy Day but she had heard that there are sex offenders there and she did not want her children exposed to that*

Ms. Moermond:

-we are concerned about the potential hazardous condition of the water heater, furnace and all the clutter everywhere

Ms. Wilson:

-daughter did a massive clean-up in the kitchen, etc.  
-they filled about 1/3 of the dumpster; she heard people rummaging thru it at night; the dumpster is gone now; they didn't see anything else to get rid of  
-the rooms are cleaned; the carpet has been cleaned  
-an electrical person came out; he tried plugging the refrigerator into the direct outlet and it did not blow a fuse; he said that if it blows again to mark which circuit it's on so he can fix it

Ms. Moermond:

-asked Ms. Seeley if she wanted to go out and inspect this place again

Ms. Seeley:

-yes; it looks a lot better (photos)

Ms. Moermond:

-this will go before Council Jul 6, 2016 which gives us time to talk before then  
-will Lay this Over for 2 weeks - time to check out the water heater/furnace and look for financing

Ms. Wilson:

-she works form 6:30 am - 3 pm

Ms. Moermond:

-we can touch base by email, too  
-the first thing is to have Ms. Seeley go out to check on this; we will work from there  
-we should be able to find some available funding, maybe from Neighbor Works

Ms. Seeley:

-thinks that PED may have some available emergency funding for water heaters/furnaces  
-she will go over there early next week

Recommendation is forthcoming.

**Laid Over to the Legislative Hearings due back on 6/21/2016**

**44**     [RLH CO 16-20](#)

Appeal of Judy Roe to a Correction Notice at 81 WESTERN AVENUE SOUTH.

**Sponsors:**            Noecker

Judy Roe, owner, appeared.

Ms. Roe:

-owned this property (vacant lot) for more than 4 years (photo on phone)  
-the car's gone  
-wanted to put up some type of accessory structure to store her lawn mower and other basic gardening tools; she was told that she could not; only if there's a house on the property; could not find any solution to store a lawn mower, shovel, etc for this vacant lot  
-more than a couple of years ago, she decided to put a car on the property, which

she owns and it has up-to-date tabs; only purpose was to store her lawn mower; now, all of a sudden, after years of having it there, she gets this  
-the alley is gravel and there are no actual driveways along this alley and this car is parked in the exact location as the other cars are parked on the alley; this car is noncompliant because there is no house on the lot, apparently; all the other cars are legally parked in exactly the same location on the alley but mine is a crime because there's no garage there

Inspector Paula Seeley:  
-unapproved parking surface, too

Ms. Roe:  
-but it's all gravel; there's no pavement in that block along the alley

Ms. Seeley:  
-the way I understood it is that your car is parking on the grass on the lot

Ms. Roe:  
-yes; but everyone else is pulling their car up behind or near their garage  
-the car is gone but now, she needs to find a solution; she's gone through everything that she can think of; she thought that the car was a very clever solution to her problem; so, now I'm asking you, "Where do you put a lawn mower on a lot that doesn't have a house?"  
-she lives in a condo and she can't put the lawn mower in the condo  
-asked a guy at DSI who said that other people have a storage place somewhere else; a separate storage facility (but she's not other people)  
-there's got to be a way for a single person to be able to do this; there should be a way for a vacant property to have a place to store basic things that are needed there  
-I now put up the "For Sale" sign because I'm tired of things like this that come up; but that doesn't solve this problem; I should not be forced to sell my property because there's no way to own it legally (it's all paid for and so is the car); it's a cleaned up lot; not a junk property; I'm not a problem; kids play on this lot and I invite them to  
-so, what's the solution? They also thought about fencing the whole yard but you can't put a fence around a vacant lot either  
-she would like to put up a little shed but not just for her; for everyone in this position  
-has paid someone to do the next several mowings; doesn't think she should be forced into that either

Ms. Moermond:  
-it's a problem for others, too; wish I had a solution  
-will bring this to the Ward Councilmember  
-brought up the Community Garden exception  
-would require a Zoning law change to allow sheds for storage on vacant lots

Recommendation is forthcoming. LHO will talk to Councilmember.

Recommend denial of the appeal.

Referred to the City Council due back on 7/6/2016

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

45 [RLH VO 16-20](#) Appeal of Jim McEnroe to a Notice of Condemnation Unfit for Human

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Habitation Order to Vacate at 2121 REANEY AVENUE.

**Sponsors:** Prince

*James P. McEnroe, owner, and a woman appeared.*

*Mr. McEnroe:*

*-he talked with Steve and there's no such thing as a variance for a loft; waiting to hear on the kitchen downstairs  
-I'm the only one living there; it's a single family home  
-have done so much work already and will probably need \$25,000+ more  
-entered Work Plan*

*Ms. Moermond:*

*-is good with all of it except she wants to talk more about capping all unused, exposed electrical*

*Mr. McEnroe:*

*-they took down the lights; they were old; there are caps on the wires; there are no exposed wires; he wants to put up new fixtures; has painted all the walls*

*Woman:*

*-a lot depends on the ruling for that basement kitchen; he has bids but they are for the whole house  
-he is not able to engage any contractors until he understands what exactly the scope of work will be*

*Ms. Moermond:*

*-thought that we had resolved the basement  
-you can keep the the kitchen; you can keep the oven/stove; the counter  
-she had an extensive conversation with the Building/Zoning Attorney Pete Warner and there's no violation if it is installed correctly; if you have a single family dwelling with a 2nd cooking area, there's no problem  
-if there are other things that define a duplex or triplex, then there may be a zoning issue/problem  
-if it is simply a 2nd cooking area, it is not a problem  
-the Work Plan shows that there's a lot of work that needs to be done*

*Mr. McEnroe:*

*-another question - they are asking me to pull a permit for the sheet rock that was done before I bought the house in 2010 (in the Condemnation Order); he wants to make sure that he can get a permit  
-is trying to get a loan through the city*

*Ms. Moermond:*

*-there isn't a distinct 2nd unit  
-will accept your Work Plan and attach it to the Resolution*

*Ms. Seeley:*

*-will email Inspector Westenhofer to follow up on this*

*Mr. McEnroe:*

*-he might want to make improvements to that kitchen; wants assurance that he won't have to go through this all again with the 2nd kitchen in a single family home with future inspections*

*Ms. Moermond:*



*-she will try her best to make that clear*

*Grant the appeal on the 2nd kitchen in the basement; grant extensions as indicated in the work plan attached herein.*

**Referred to the City Council due back on 7/6/2016**

## Staff Reports

- 46 [SR 16-45](#) Reviewing Request of Additional Extension for Appeal of Sia Lo, Lo Law Firm, on behalf of Ying Vang and Chee Xiong, to a Correction Notice and Summary Abatement Order at 2153 BEECH STREET.

**Sponsors:** Prince

*Additional extension given until December 1, 2016 to accommodate the Settlement Conference in August 2016. New Resolution reflecting this amendment is on for June 15 Public Hearing.*

*Ms. Moermond:*

*-that would allow sufficient time for the wall to be prepared before frost sets into the ground if they are able to resolve the matter at there Settlement Conference in Aug 2016; if they go to court, that would be in Oct 2016; and we can begin again a conversation about a different deadline, if we need to at that juncture*

*-attachment to the resolution, 1 page from the court system*

**Received and Filed**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 47 [RLH CO 16-18](#) Appeal of Darren Jakel to a Fire Inspection Correction Order at 1306 ALTON STREET.

**Sponsors:** Tolbert

*Darren P Jakel, Vice President of Building Operations, StuartCo, appeared.*

*Mr. Jakel:*

*-got the email and did reach out to Mr. Ubl but I haven't heard back yet  
-he does see his point; because the building was built that way in 2008, and has been operating that way and they do follow precautions; some one is always there with a key and within seconds can have it open*

*-if the Order is to stand, is asking that they be allowed until Jun 1, 2017 to budget for it because it's quite a sizable investment (\$4000-\$5000) after the ground is thawed*

*Ms. Moermond:*

*-she went back and asked that according to minutes, it was approved that way in 2008; and he said that the inspector who did the inspections on it was not available to ask but that this is a basic thing that would not have been approved; the swing of the gate would have been noticed*

*Mr. Jakel:*

*-our residents are 'memory care' so that they are not unattended; and in case of fire,*

we don't let them out of the building until someone from Fire days, "Leave Now"  
-23 staff members all have a key  
-we are OK with doing it but it has been that way for years and it operates well  
-just asking until next Jun  
-entered a letter that shows their fire security and the company that they would have do the work

Ms. Moermond:

-she normally doesn't go out a year on \$4000-\$5000  
-will deny the appeal and grant until Dec 31, 2016 to complete the work if you provide a letter with your current evacuation plan is; she will attach that to the record to show what's in place during the interim

Mr. Jakel:

-he will provide a letter; will email  
-their evacuation plan is called the Shelter In Place Evacuation Plan  
-anywhere in the building, you can't leave unless someone says, "Yes, you can leave" and we push a button; it's the same with the gate but instead of a button, we use a key

Ms. Moermond:

-NOTE: Mr. Jakel will be coming into agreement with with an alternative method of compliance

Grant an extension to December 31, 2016 on the south fenced exit gate way for an alternative method of compliance. NOTE: evacuation plan has been submitted and herein attached to file.

**Referred to the City Council due back on 7/6/2016**

**48**      [RLH FCO 16-52](#)      Appeal of Jason MacDonald LLC to a Fire Certificate of Occupancy Approval With Corrections at 565 ANNAPOLIS STREET EAST.

**Sponsors:**              Noecker

*Jason D MacDonald, owner, appeared.*

*Fire Inspector A.J. Neis:*

*-Fire Certificate of Occupancy Correction Notice issued by Fire Inspector George Niemeyer  
-previously in LH where the property owner was asking for additional time for a garage, shed and greenhouse in pretty dilapidated condition to remain in tact for an extended period of time because the intent is to re-develop the property at which time, those buildings will be torn down  
-was Laid Over because the inspector had not gotten into the structures to determine whether or not they were structurally sound from the inside  
-the property is a large piece of land with a house and accessory buildings; all to be re-developed into 8 units  
-I had asked for the layover so that the inspector could access the structures  
-the greenhouse needed to come down; it was removed prior to this inspection; the other sheds need work but are not dangerous and do not need to come down; they are also not visible from the street, according to his understanding  
-the owner is asking for additional time to comply  
-it needs a roof; eventually, the owner would like to demolish all the structures*

*Mr. MacDonald:*

*-he plans to demolish them next fall; navigating through the city processes takes a*

*long time; also securing financing may take longer than anticipated*

*Ms. Moermond:*

*-sees rotted out corner of fascia*

*Mr. MacDonald:*

*-it was called out to re-asphalt and re-shingle; they are not leaking, etc.*

*Mr. Neis:*

*-believe that it was secure from entry; it definitely needs paint*

*Mr. MacDonald:*

*-there's a tenant there*

*-all of the structures are being used*

*Mr. Neis:*

*-where the roof boards underneath the shingles have some water damage; no danger of collapse*

*-the C of O is approved with these remaining violations*

*-this is a Class B grade; next C of O due 2020*

*-we have an open referral on this; asked if it was alright to put an email in the file saying that we approved the C of O*

*Ms. Moermond:*

*-will grant the appeal; please re-inspect in 1 year*

*Grant the appeal noting that the inspector is to inspect in a year.*

**Referred to the City Council due back on 7/6/2016**

**49**     [RLH FCO 16-67](#)

Appeal of Christina Torres to a Fire Inspection Correction Notice at 1248 ARKWRIGHT STREET.

**Sponsors:**     Brendmoen

*Christina Torres, owner, appeared.*

*Fire Inspector A.J. Neis:*

*-update*

*-he went out with Inspector Dan Klein*

*-the ceiling height should never had been called on this building because the ceiling height met the full intent of the code; at its highest point is 7'4"; even though that was not quite 50% of the habitable space - it's around 40ish% (the inspector lost his measurements); however, when we are looking at the existing buildings, we are looking at other precursors like was this ever intended to be used as a sleeping area, etc; it appears that it has been; there was an existing radiator upstairs, originally installed; it also had a full staircase with approved landings and handrails, etc; it also had a code compliant escape window*

*-there were a couple of changes - what the inspector should have called; the space should never have been enclosed with a door*

*Ms. Torres:*

*-explained that about 40 years ago, someone put an addition onto the house - basement, first floor and second floor; that's why the door is there*

*Mr. Neis:*

*-that room could still have been used as 1 large bedroom; that wall space with the*

opening into that addition area was over 50% of the opening  
-we have no issue with sleeping upstairs unless they are sleeping in the room where that door is; it could be re-opened, then, they could use it as 1 very large bedroom (whole upstairs); door removed and open the wall  
-another option that we would be OK with is to keep the door intact but no one uses that room for sleeping; it would be for cold storage, only (has no separate heat source; there's no code compliant escape window; and it doesn't have a code compliant door

Ms. Torres:

-the inspector said that the tenants had 24 hours to move things out of that room and also out of the main room; so, my renters moved all of that into storage and found a new place to live

Mr. Neis:

-unfortunately, that's 100% accurate; he can't do anything except sincerely apologize for that; that issue has been addressed with his supervisor, Ms. Shaff  
-no one can also use that main floor bedroom because of the intervening space issue  
-#5 (ceiling height) will be Withdrawn

Ms. Torres:

-she didn't know any better  
-her tenants had been there for years; they said that while the inspector was there, he was extremely rude and made them move everything and they didn't have anywhere to move with their family; said that they had to move all their beds into the living room within 24 hours; then, they moved their stuff into storage; he came back out; she called the supervisor, who advised her to appeal; he was supposed to come out to get measurements but the inspector didn't show up to get the measurements; she called the supervisor again and she apologized

Ms. Moermond:

-asked Mai Vang to provide a Claim Form for Ms. Torres  
-noted that #5 is Withdrawn (does not have fresh Orders in front of her)

Mr. Neis:

-in the email he sent to staff, it actually said - the intervening space on the main level where the staircase is, we couldn't write it up as a violation when he was there because the room was already cleaned out; therefore, no violation existed at the time

Ms. Moermond:

-in your appeal, the only item that is mentioned is the ceiling height issue in the upstairs; the Inspection staff has Withdrawn their Order on that

Ms. Torres:

-everything will be cleared out by Jul 1; and no one is moving in  
-they will have to sell the house  
-the inspector said that there would be a re-inspection in Jul for the other things; she will get in there and fix everything up

Ms. Moermond:

-will grant an extension to Jul 30, 2016 for the re-inspection  
-she will be noting in the Resolution that DSI has Withdrawn (#5)

DSI has withdrawn the issue relating to the ceiling height; grant until July 30, 2016 for the remaining items.

**Referred to the City Council due back on 7/6/2016**

- 50 [RLH FCO 16-62](#) Appeal of Milton Investment to a Fire Inspection Correction Notice at 2228 CARTER AVENUE.

**Sponsors:** Stark

*Fire Inspector A.J. Neis:*

*-update: he advised the Appellant not to come today; he went out to the property with Inspector Laura Huseby as requested at the previous hearing to take a look at the retaining walls in question; he tried to take better photos but the lighting conditions were not good enough; the inspector is accurate in the findings; he explained that to the property owner*

*-because of the extent, he wants the city's structural engineer, Brian Karpen, to go out to do a further assessment; it's hard to tell because it's so close to the public sidewalk and there are multiple layers of brick*

*-Inspector Huseby has emailed Brian Karpen but we haven't yet heard back; he may be on vacation; until we hear back, he is requesting that this matter be laid over until Mr. Karpen can give us a good assessment of the 3 retaining walls; 2 are on private property; 1 is on public*

*Ms. Moermond:*

*-seems like a PW engineer may also need to go out there*

*Mr. Neis:*

*-will follow up*

*Ms. Moermond:*

*-will Lay this Over for 2 weeks to Jun 21, 2016*

**Laid Over to the Legislative Hearings due back on 6/21/2016**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 51 [RLH VBR 15-101](#) Appeal of Charnell Hudson to a Vacant Building Registration Notice at 134 ELIZABETH STREET EAST.

**Sponsors:** Thune

*Charnell Hudson, owner and Kris Kujala, Ramsey County, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

*-has nothing to report since this has been out of the VB Program since 2015, so, we have not been monitoring this property at all*

*Ms. Kujala:*

*-when we last met, we discussed the Repurchase situation and move forward from the Fire Marshal Report - removing it from their Certificate of Occupancy Program*

*-Ms. Hudson repurchased the property on May 6, 2016; she is the Contract for Deed holder and is on a payment plan*

*-the next issue deals with the C of O issue that was started in 2015 when Inspector Niemeyer had claimed that this was a Vacant Building, which it was not; it was occupied by Ms. Hudson and has been occupied by Ms. Hudson; the issue centered around the C of O inspection report*

*-her understanding in talking with Ms. Hudson is that all the repairs that were listed*

on Mr. Niemeyer's report have been addressed except for 2 items on the report: 1) basement door framing; and 2) the door  
-this needs to go into the correct city dept, somewhere other than Fire

Ms. Moermond:

-will have Inspector Lisa Martin go out to confirm the basement door frame; the other Orders can be closed out

Mr. Dornfeld:

-noted that it's hard to follow up on someone else's Orders

Ms. Kujala:

-didn't think it would be in everyone's interest to have Mr. Niemeyer back out; maybe a different inspector but not Mr. Niemeyer

Mr. Neis:

-134 East Elizabeth Street is under Supervisor Shaff's inspectors  
-he will advise Ms. Shaff to accompany Inspector Niemeyer

Ms. Moermond:

-she will talk with Inspector Shaff; ask her to manage this one; she was present at one or more hearings on this case and is somewhat familiar with it

Ms. Kujala:

-we'd like to know when the inspection will take place so that we can see this all the way through

Ms. Moermond:

-this address is out of the VB Program and will get all but 2 of the Orders cleared

Ms. Kujala:

-concern - at the last hearing that Ms. Shaff was at, there was some disagreement in regards to the message she heard and the message that was delivered..... so, Mr. Niemeyer told her one thing, which was completely the opposite of his behavior and his spoken words to Ms. Hudson

Ms. Moermond:

-have made a note to make sure to copy Ramsey County Tax Forfeited Land

Ms. Mai Vang:

-the last letter I sent to Ms. Hudson was returned

Ms. Kujala:

-Ms. Hudson told me that she did not get a letter; so, I gave her the letter

Ms. Moermond:

Grant the appeal, allowing the property to be released from the Vacant Building Program. (Inspection will be made by DSI-Fire staff to go over remaining items on the Revocation List.)

**Referred to the City Council due back on 7/6/2016**

52 [RLH VBR 16-29](#)

Appeal of Daniel J. Chlebeck to a Vacant Building Registration Notice and Summary Abatement Order at 873 KENNARD STREET.

**Sponsors:** Bostrom

*Appellant canceled his appeal indicating that he and the inspector worked things out. He asked to have this filing fee returned. It was denied by the hearing officer. The appeal was processed, scheduled and continued.*

**Withdrawn**

- 53     [RLH VBR 16-33](#)     Appeal of Inho Chang to 3 orders for Vacant Building Registration Notice, Corrected Notice of Condemnation-Unfit for Human Habitation-Order to Vacate, and Summary Abatement Order at 606 LAFOND AVENUE.

**Sponsors:**     Thao

*Inho Chang, Chang Properties LLC, owner, appeared.  
Erica Lewis, 2nd floor tenant, appeared.*

*Ms. Moermond:*

*-she had left instructions at the desk to take an appeal on this and schedule it right away, allowing continuing occupancy*

*-she didn't have a very good set of Orders from the Fire Inspector; it didn't give her a date by which the building was supposed to be emptied; however, the photos show that the date was put on the placard that was posted on the door; also, she did not have the state of the smoke detectors and didn't realize how bad that situation was*

*Mr. Chang:*

*-is appealing the Condemnation; does not want it to go into the Vacant Building Program; it's not that bad*

*Ms. Lewis:*

*-noted that the smoke detectors have been repaired*

*Fire Inspector A.J. Neis:*

*-received many complaints; most recent one on May 17, 2016 that there was a broken window in the front and back yards*

*-Inspector Huseby went out to the property the next day and found it to be in pretty bad shape; there was a lot of garbage (photos in file); he found numerous code violations inside, too*

*-toilet appeared to be broken or overflowing (photos); we didn't know that it was simply clogged (Ms. Lewis: someone had just used the restroom)*

*-the inspector noticed that the downstairs was supposed to have been vacant but there were squatters downstairs; when she came and was accompanied by SPPD, those people quickly left the premises*

*-there were a lot of red flags going up; with the conditions of the building (assumed there was a plumbing back up) - multiple code violations, she Condemned the property with an immediate Vacate*

*-however, he wasn't made aware of this until a couple days later because he had been out of the office*

*-the Condemnation Notice that Inspector Huseby sent gave a Jun 20, 2016 compliance date, even though the placard said Vacate Immediately; Mr. Neis advised her to send a new updated letter noting an Immediate Vacate date*

*-Ms. Huseby assumed that the building had been vacated; she referred it to the Vacant Building Program, which opened up the VB file on May 24, 2016 but the tenants/squatters had never left the building*

*Ms. Lewis:*

*-there was a chance to repair what I needed; she stated that if these repairs were*

made that she would consider re-inspecting and vacating the Condemnation; she gave her until 3 pm that day on May 19 to get the door knobs, smoke detector, toilet and something else; so, all those things were fixed and the house was completely cleaned up; the following day she came at 9 am sharp; I went to greet her and told her all the things that we had completed; we went through the apartment, she had an issue with the smoke detector and there were some interior door knobs that were not on (someone had broken into her place and thought it was funny to take all of the door knobs off in order for her not to be able to lock up her home (a police report was filed on that); the people downstairs had caused all of that problem; she did what she could to fix things; inspector did not tell her the day before that the dresser could not be in front of the window; so, she still had issues

-the police were there on the first day; they were searching my things; they didn't have a warrant; the water was running; no one asked her any questions; no one talked to me; they quickly did the inspection and then made the assumption that there was more going on than there was; she has running water; she has 2 kids and the house was not exactly but I made sure that she did everything they asked her to do; I had a 4 hour period to do this and vacate by 3 pm; she had people come over to help her and they got done

-they came back the following morning; everything was fixed that was on the list and they still Condemned it and the inspector's reason for Condemning it was not because of her Orders, but because she felt that it was not a safe neighborhood; those were her own words; she said that I need to go - I need to move and consider the safety for me and my children - this is not a safe neighborhood, she would go ahead with the Condemnation (the conversation was recorded on the phone)

Mr. Chang:

-thank you for the opportunity to have an appeal on this property

-inspector pointed out a couple things in spring: there was a lot of garbage in the front yard; he evicted the people in the lower level on May 17, 2016; they did not pay rent and they had a lot of traffic; there were a lot of problems; after that, I started to clean-up inside and I pushed the garbage outside; he worked until 6 am; that's why the front yard was full of garbage; there was also some inside yet; he had 2 people help him with that work and I had asked them to stay there because he was afraid that the people whom he evicted might come back; those were actually his workers who were there when the inspector came at 9 am, May 18; inspector found the garbage and the workers and assumed that the workers were "squatters;" he didn't know that the inspector was going to come out the very next day in the am; he found out that she had been there in the afternoon when he came back to the property; that was very sudden

-he is trying to make the property a safe place to live; to contribute to the safety of the community that's why he had to evict those downstairs tenants

-the very next day, he cleaned up all the garbage/trash in the front yard (nuisance)

-re list of repairs: they pointed out door frames; missing door knobs; one smoke detector that was pulled down - those downstairs tenants did all that damage; I should be able to make the appropriate repairs; his property does not deserve Condemnation

-all the plumbing is in working condition

Mr. Neis:

-Condemning a property based on it not being a safe neighborhood in which to live is not their standard nor is it acceptable to be said; he spoke with the tenant on the phone; the tenant wanted him to overturn the Condemnation and he told her that he could not do that; it was beyond his authority; however, he encouraged her to file an appeal and come here because this is the forum for which to do that; she had indicated that she has the recording of what the inspector said and that she would bring it and share it with us today



*Ms. Lewis:*

*-she was in a hurry today and forgot to bring it but if this process continues, she will be more than willing to share it*

*Mr. Neis:*

*-before we go down the road of any type of investigation, he would need some type of formal documentation/proof*

*Ms. Moermond:*

*-strongly encouraged Ms. Lewis to share her information with Supervisor Neis, who has the authority to deal with issues surrounding the inspectors behavior  
-she will confine herself to the physical things going on with this building  
-smoke detectors are called out a couple of times in the Orders; it's not a small thing - people die*

*Mr. Chang:*

*-he completely agrees that smoke and CO detectors are very important  
-he obtained a Certificate of Occupancy last May - everything passed*

*Ms. Moermond:*

*-this is a hell of a mess; this didn't happen over night (smoke detectors dangling from the ceiling - not acceptable; door knobs missing all over the place - no way; if you are renting a place, someone should be safe in their person and in their possessions; if a tenant is screwing that up, you need to hold the tenant accountable  
-if you want to continue to be a landlord, you need to do Landlord Training and get this bldg fixed  
-wants to see a Work Plan to get all this fixed  
-need to have an inspector go through*

*Mr. Neis:*

*-his schedule is very tight until Jun 22, 23; he could send Ms. Huseby back out*

*Man who works for Mr. Chang:*

*-they got on the Order immediately  
-it was people downstairs that were bad (now evicted)*

*Ms. Lewis:*

*-they have no where to go; this is their only home and they have been safe*

*Ms. Moermond:*

*-wants Ms. Lewis to have a fresh list that takes into account the things that have been cleaned up  
-if the inspector sees something new, it can be added to the list  
-she wants things to be in "ship shape" before she tells the City Council to grant an appeal on the Condemnation  
-she wants a detailed list*

*Mr. Neis:*

*-has a very short window tomorrow; based on the urgency, I can be there between 10:30 and 11:15 am; both Mr. Chang and Ms. Lewis need to be there tomorrow between 10:30 and 11:15 am; he will make it happen  
-his main focus tomorrow will be the life safety issues on the 2nd floor; will work with you to get all the other things into compliance  
-if you feel that you need to record further, certainly, do so  
-Ms. Moermond will have the list by next Tue*

Mr. Chang:

-in Jan, inspector came out; at the time, there was a broken window and smoke detector disconnect; at the re-inspection, he passed again

-he goes to the property very frequently to collect payment and also to check out the safety of the building

-what happened was the downstairs tenants did not want him to come into the property; they would say, tenant is not here, come later; when he calls the police, they say that it's not a serious matter; so he can't force myself in because he might be threatened; bad situation and that's why I evicted them and the inspector came the very next day before he had a chance to clean out and fix things

Mr. Neis:

-he is assuming that the complaint came from a neighbor and very likely the garbage triggered it

Ms. Moermond:

-listed in the Orders is that you take the Landlord Training Class (Mr. Chang: I will do it)

-will Lay this Over to Jun 21, 2016

-she wants a Work Plan by Jun 21; if we need to meet to talk about that, we will do it on Jun 21

Ms. Lewis:

-someone came and screwed in the front entry door to the common hallway

Inspector Matt Dornfeld:

-that was done per SPPD; they called Restoration Professionals to have the door secured because it was open to entry and deemed Vacant

-that door can be unboarded; just take out the screws

-asked Ms. Moermond how she'd like them to proceed with the Vacant Building status

Ms. Moermond:

-will lay this matter over for 2 weeks

-if we get a decent Work Plan and if these people are serious about doing the fixes, we won't have to worry about being in the VB Program; put it on the back burner for a couple of weeks; she thinks that we can resolve this easily

Mr. Neis:

-if there are no life safety issues found tomorrow, he will email Ms. Moermond and Mr. Dornfeld

-he will get a letter out by Mon, Jun 13 (from which a work plan can be developed)

-he would be comfortable allowing occupancy

-after that, he will set up the subsequent re-inspection for the Mon before the next hearing, Jun 20, perhaps

Ms. Moermond:

-that sounds perfect to me

-Mr. Chang, you bought some time to get your C of O re-instated

Fire Inspector AJ Neis will conduct an inspection tomorrow, Jun 8, 2016 and a new order will be sent to the owner to develop a work plan by June 21, 2016 Legislative Hearing. Mr. Neis will go out again on June 20th to see if progress is being made. VB is held off for 2-weeks. Owner can take the screws off the main front door and allow occupancy of Unit 2.

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**Laid Over to the Legislative Hearings due back on 6/21/2016****54**     [RLH VBR 16-34](#)     Appeal of Erica Lewis to a Vacant Building Registration Requirement at 606 LAFOND AVENUE, 2ND FLOOR.

**Sponsors:**        Thao

*Inho Chang, Chang Properties LLC, owner, appeared.*

*Erica Lewis, 2nd floor tenant, appeared.*

*Ms. Moermond:*

*-she had left instructions at the desk to take an appeal on this and schedule it right away, allowing continuing occupancy*

*-she didn't have a very good set of Orders from the Fire Inspector; it didn't give her a date by which the building was supposed to be emptied; however, the photos show that the date was put on the placard that was posted on the door; also, she did not have the state of the smoke detectors and didn't realize how bad that situation was*

*Mr. Chang:*

*-is appealing the Condemnation; does not want it to go into the Vacant Building Program; it's not that bad*

*Ms. Lewis:*

*-noted that the smoke detectors have been repaired*

*Fire Inspector A.J. Neis:*

*-received many complaints; most recent one on May 17, 2016 that there was a broken window in the front and back yards*

*-Inspector Huseby went out to the property the next day and found it to be in pretty bad shape; there was a lot of garbage (photos in file); he found numerous code violations inside, too*

*-toilet appeared to be broken or overflowing (photos); we didn't know that it was simply clogged (Ms. Lewis: someone had just used the restroom)*

*-the inspector noticed that the downstairs was supposed to have been vacant but there were squatters downstairs; when she came and was accompanied by SPPD, those people quickly left the premises*

*-there were a lot of red flags going up; with the conditions of the building (assumed there was a plumbing back up) - multiple code violations, she Condemned the property with an immediate Vacate*

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*Ms. Lewis:*

*-there was a chance to repair what I needed; she stated that if these repairs were made that she would consider re-inspecting and vacating the Condemnation; she gave her until 3 pm that day on May 19 to get the door knobs, smoke detector, toilet and something else; so, all those things were fixed and the house was completely cleaned up; the following day she came at 9 am sharp; I went to greet her and told her all the things that we had completed; we went through the apartment, she had an issue with the smoke detector and there were some interior door knobs that were not on (someone had broken into her place and thought it was funny to take all of the*

door knobs off in order for her not to be able to lock up her home (a police report was filed on that); the people downstairs had caused all of that problem; she did what she could to fix things; inspector did not tell her the day before that the dresser could not be in front of the window; so, she still had issues

-the police were there on the first day; they were searching my things; they didn't have a warrant; the water was running; no one asked her any questions; no one talked to me; they quickly did the inspection and then made the assumption that there was more going on than there was; she has running water; she has 2 kids and the house was not exactly but I made sure that she did everything they asked her to do; I had a 4 hour period to do this and vacate by 3 pm; she had people come over to help her and they got done

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Mr. Chang:

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-inspector pointed out a couple things in spring: there was a lot of garbage in the front yard; he evicted the people in the lower level on May 17, 2016; they did not pay rent and they had a lot of traffic; there were a lot of problems; after that, I started to clean-up inside and I pushed the garbage outside; he worked until 6 am; that's why the front yard was full of garbage; there was also some inside yet; he had 2 people help him with that work and I had asked them to stay there because he was afraid that the people whom he evicted might come back; those were actually his workers who were there when the inspector came at 9 am, May 18; inspector found the garbage and the workers and assumed that the workers were "squatters;" he didn't know that the inspector was going to come out the very next day in the am; he found out that she had been there in the afternoon when he came back to the property; that was very sudden

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*of formal documentation/proof*

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*property; they would say, tenant is not here, come later; when he calls the police, they say that it's not a serious matter; so he can't force myself in because he might be threatened; bad situation and that's why I evicted them and the inspector came the very next day before he had a chance to clean out and fix things*

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*-he is assuming that the complaint came from a neighbor and very likely the garbage triggered it*

*Ms. Moermond:*

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**Laid Over to the Legislative Hearings due back on 6/21/2016**

**3:00 p.m. Hearings**

**Other**

**55**     [RLH OA 16-5](#)

Appeal of Kay Owen, Owen Masonry on behalf of Michelle Wessely & Tim Mick to a Denial of a Fence Variance at 565 ARLINGTON AVENUE WEST.

**Sponsors:**        Brendmoen

*Kay Owen, Owen Masonry, contractor, appeared.*

*Ms. Moermond:*

*-the building official denied your client's fence/retaining wall application; it was too high*

*-Nhia Vang had asked that Public Works take a look at it, too*

*Mr. Owen:*

*-yesterday, he talked with John Maczko from PW; he was going to get back to me this morning but he did not*

*-the building official did not contact him to meet him on the site when he made his determination*

*Ms. Moermond:*

*-he doesn't need to do that; he doesn't actually need to go on site; he can look at the dimensions, etc. and issue the building permit*

*Mr. Owen:*

*-we are hoping to get a variance mainly to retain the look of the whole project and to maintain the height*

*-a lot of the property, the grade meets the sidewalk; at this corner (pointed out), the grade is almost 2 feet above the sidewalk; so, if we comply with the code of 2 feet high at the corner, 10 feet from the corner in each direction, the wall will basically, be level with the grass*

*-as he indicated last week, we would be open to a variance that was less than 4 feet but more than 2 feet, to get them above grade level at the corner*

*-when you pull out at Kent St, the wall would be on your right, and if you're turning right, you're looking toward the left for traffic and if you're turning to the left, then, you're looking for traffic that's in that outer lane, which is further away from you; he doesn't think that the wall is in your line of view; but the Ordinance is what it is*

*-the other thing is that the client's side of the street on Arlington is the only side that permits parking, so that view to the right coming down Kent St is almost always somewhat obstructed by vehicles parked on that side of the street*

*Ms. Moermond:*

*-when she first looked at this with Ms. Nhia Vang a couple of weeks ago, she explained that her inclination was for denial for the same reasons that the building official recommended denial; Ms. Vang asked for PW's input; honestly, this has nothing to do with PW because it's on private land but if they had some insight into it, she would be willing to listen to what they had to say; without their input, she would recommend the Council deny any appeal on the height*

*-she will call John Maczko and talk with him about this; and make sure that he has the material that she is looking at; she is more than happy to listen to his perspective*

*-she will ponder a variance for a lower height*

*-she will call Mr. Owen after talking with Mr. Maczko*

*Deny the appeal on the height of the retaining wall proposal but Legislative Hearing Officer will talk to John Maczko at Public Works as well.*

**Referred to the City Council due back on 7/6/2016**