



# 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*

---

Tuesday, March 1, 2016

9:00 AM

Room 330 City Hall & Court House

---

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

##### Special Tax Assessments

- 1     **RLH TA 16-96**     Ratifying the Appealed Special Tax Assessment for Property at 1952 MARYLAND AVENUE EAST (File No. J1606A, Assessment No. 168505).

Sponsors:     Bostrom

*Aaron Durkop, property manager, Kaizen Property Solutions LLC, appeared.*

*Inspector Paula Seeley:*

*-this was laid over for 2 weeks for the hearing officer to take a look at all the materials (see Feb 16 LH minutes)*

*-Summary Abatement Order for failure to remove mattress, box spring, scattered refuse, etc. sent Sep 24 and again Nov 3, 2015*

*-2 sets of Orders; re-checked Nov 3 and Nov 15; Work Order sent*

*-Orders sent to: Coos Bay LLC, 3853 Central Ave NE, Columbia Heights, MN 55421; Kaizen Property Solutions LLC, PO Box 48223, Mpls, MN 55448; and Occupant*

*-today, this is just for the cost of cleaning up the mattresses*

*VIDEO - Parks removed mattress, box spring, old bike, loose & scattered*

*Mr. Durkop:*

*-he is not debating the clean up*

*-his issue is that they are not getting Notices in a timely enough fashion; 1 year ago, we were here; we put in a 2nd address change to make sure that they'd get the notices but you still have not changed the address; the Notices should not go to the Columbia Heights address; it's not timely; it doesn't work for them; Ms. Moermond said to go down to DSI and change the address, which they did*

*Inspector Lisa Martin:*

*-she was at the previous hearing and she thinks that the issue is there are continuous issues of garbage and inoperable vehicles at this address; the property manager should be monitoring the property more frequently*

*-when the attorney was here for Coos Bay, he said that their address at Ramsey County is for tax purposes and the information that they filled out was probably for the Fire C of O, which is a different division of DSI; code enforcement uses the address listed at Ramsey County; she thinks that the issue would be resolved if*

someone were to monitor the property more frequently to make sure we don't continue to have these issues

Mr. Durkop:

-it is also a dead end property and the Railroad is behind it and there's constant dumping in the woods from others

-it's an on-going problem, yes; but it's not on-going from our tenants; it's an on-going problem for the city residents

-again, they did do what Ms. Moermond asked them to do - put in a secondary address; and this is the only one we've missed since the last year; we thought we had it solved; we do get the Notices, eventually, but it's just not timely; they don't have a problem cleaning the stuff up; they just want the Notices to go to that 2nd address so we can get it taken care of

-we asked the address to be changed Feb 3, 2015; it's now Mar 1, 2016; you guys don't have an issue with holding use responsible for everything but we have time stamped documents from over a year ago, asking you guys to change information but haven't gotten it right; a woman at the DSI desk even helped his wife fill out the form

The argument ensued about the change of address for property clean ups

Mr. Durkop:

-requested a reduction in fee; they've made a good faith effort

-it's an address issue and we're getting punished again

Ms. Vang:

-will recommend approval of this assessment

Approve the assessment.

**Referred to the City Council due back on 4/6/2016**

**2 RLH TA 16-119** Ratifying the Appealed Special Tax Assessment for Property at 1181 EDGERTON STREET (File No. J1606C, Assessment No. 162005).

**Sponsors:** Brendmoen

Augustine W \_\_\_\_\_, Virgie-n-Mary LLC, owner, appeared.

Inspector Joe Yannarely:

-demolition costs for 1181 Edgerton St; it went through the proper channels

-City Council approved the demolition + asbestos removal

-note from original inspector: owner indicated that he would like the city to raze the house as soon as possible (that was Feb 2015)

-cost of demolition assessment: \$26,248.41 + \$1,138.23 service charge = \$27,386.64

-was assessed to Virgie-n-Mary LLC

Mr. W \_\_\_\_\_:

-I told the city they can raze it because when I went in there, I saw it was really bad and I didn't want it to hurt anybody

-when I talked with the inspector, who Condemned the house, he said that I could try to fix it; I looked into it but the price was way too much for me

-one of the demo contractors I called told me I can ask the city if they can demolish the house because it was very dangerous for anyone, so I did

-is asking for the cost to be spread over time

Mr. Yannarely:

-noted that if the Appellant were to walk away from the property, the assessment would stay with the property; it would not follow the Appellant  
-noted that the actual cost to knock the building down was a little over \$12,000 but the asbestos removal cost was over \$13,000; that's why this was so expensive - there was a lot of asbestos

Mr. W\_\_\_:

-walking away from it, he wouldn't fee good about

Ms. Nhia Vang:

-will recommend approval spread over 5 years

Ms. Mai Vang:

-if when Ms. Moermond comes back and she says that it can be spread over more than 5 years, we will amend the decision; or you can go to the City Council Public Hearing, Wed, Apr 20, 2016 and ask them if they could spread it over more than 5 years

Approve and spread payments over 5 years

**Referred to the City Council due back on 4/20/2016**

- 3**      **RLH TA 16-114**      Ratifying the Appealed Special Tax Assessment for Property at 318 FRONT AVENUE (File No. J1605B, Assessment No. 168104).

**Sponsors:**      Thao

*Jennifer Patraw called and stated she missed the hearing. Rescheduled per her request.*

**Laid Over to the Legislative Hearings due back on 3/15/2016**

- 4**      [RLH TA 16-116](#)      Ratifying the Appealed Special Tax Assessment for Property at 210 GRAND AVENUE (File No. J1606C, Assessment No. 162005).

**Sponsors:**      Noecker

*Imran Khan emailed and stated he missed the hearing. Rescheduled per his request.*

**Laid Over to the Legislative Hearings due back on 3/15/2016**

- 5**      [RLH TA 16-110](#)      Ratifying the Appealed Special Tax Assessment for Property at 1152 LANE PLACE (File No. J1605E2, Assessment No. 168316).

**Sponsors:**      Bostrom

*Approve; no show. Public hearing continued from March 2 to April 6*

**Referred to the City Council due back on 4/6/2016**

- 6**      [RLH TA 16-111](#)      Ratifying the Appealed Special Tax Assessment for Property at 1152 LANE PLACE (File No. J1606E, Assessment No. 168305).

**Sponsors:**      Bostrom

*Approve; no show.*

Referred to the City Council due back on 4/6/2016

- 7 [RLH TA 16-64](#) Ratifying the Appealed Special Tax Assessment for Property at 1895 ORANGE AVENUE EAST (File No. J1606E, Assessment No. 168305).

**Sponsors:** Bostrom

*Approve; no show twice.*

*3/4/16: Owner called and stated she missed hearing and wants to reschedule. Ms. Vang advised her to go to City Council as this will be the third rescheduled requests.*

Referred to the City Council due back on 4/6/2016

- 8 [RLH TA 16-115](#) Ratifying the Appealed Special Tax Assessment for Property at 1809 YORKSHIRE AVENUE (File No. VB1605, Assessment No. 168804).

**Sponsors:** Tolbert

*Approve; no show.*

Referred to the City Council due back on 4/6/2016

- 9 **RLH TA 16-59** Ratifying the Appealed Special Tax Assessment for Property at 1319 HARTFORD AVENUE (File No. J1606A, Assessment No. 168505).

**Sponsors:** Tolbert

*Theodore I. Daigle, owner, appeared.*

*Inspector Lisa Martin:*

*-on Feb 24, 2016, a letter was sent to the owner regarding this appeal; Ms. Moermond continued this hearing from Feb 16, 2016 to today; however, in the letter it does state that based on the information received from Public Works supervisor who removed the items, everything under the tarp was not stored according to city ordinance; therefore, it was all removed*

*-the owner was advised at that time that if he felt that there was anything valuable, he could go to Room 310 City Hall and fill out a claim*

*-Ms. Moermond did recommend approval of the assessment as written*

*Mr. Daigle:*

*-in the original and the only documentation that he got prior to them coming to his property says - "Please removed cement blocks, tree debris, fence pieces, debris and remove the cooking trailer from the property;" so, I had a smoker on a trailer - I removed that; I removed the concrete blocks (8 out of 10; 2 broken ones he forgot to throw away); the fence pieces and the tree debris was the birch tree trim - he threw those away*

*-but against his fence, he had 8 1/2 ft on his property propped up 8 inches off the ground on 4 x 4's from his gate to the end of his property was a 4 x 4 coming out 24 inches was another 4 x 4 with four of them going across as a brace to hold it off the ground and it was tarped - all cut, split fire wood at 18 inches each, 20 inches from the fence and leaned back toward the fence*

*-in the original letter, the city doesn't say anything about the tarp and the contents of the tarp*

*-in the VIDEO, he says that he's going to take the tarp and the contents underneath the tarp but I had no fore warning that was going to happen or he would have called*

Ms. Martin; he did call her after they took  
-he had just split that fire wood - \$450 worth of fire wood  
-after the fact, they talked to that worker and he says nothing in the original letter that the wood was mis-stacked; how do you mis-stack wood?  
-it says, whatever was under the tarp per the work order; he would like to see the work order than mentions the tarp and the contents underneath the tarp; he had \$450 worth of fire wood underneath the tarp with no mention prior to the removal of the tarp and the contents underneath the tarp  
-had he know, he would have contacted Ms. Martin before, not after the fact  
-he removed everything that he thought was on the Order

Ms. Martin:  
-Ms. Moermond, when she looked at the VIDEO and photos at that time, it didn't appear to be property stacked and elevated  
-the Summary Abatement Order starts out by saying "Remove improperly stored or accumulated....materials....." that covers a range of things  
-she contacted the supervisor what they found, he said that they removed everything that was in the Work Order  
-Mr. Daigle can go file a claim - Room 310  
-Ms. Moermond did recommend approval of the assessment  
-Mr. Daigle can appear at the City Council Public Hearing on Apr 6, 2016 at 5:30 pm

Ms. Nhia Vang:  
-asked Mr. Daigle if he had filed a claim

Mr. Daigle:  
-no; he was told to come back after they had talked with the city workers; so, I did and I thought that I was to file a claim after this

Ms. Nhia Vang:

Approve the assessment.

**Referred to the City Council due back on 4/6/2016**

**10 RLH TA 16-63**

Ratifying the Appealed Special Tax Assessment for Property at 934 SIMS AVENUE (File No. J1606A, Assessment No. 168505).

**Sponsors:** Bostrom

Yuping Zheng, owner, appeared.

Inspector Paula Seeley:  
-Summary Abatement Order issued Nov 18, 2015; compliance Nov 24; re-checked Nov 24  
-work done Dec 1 for a cost of \$460 + \$160 service charge = \$620  
-her comments: I believe this was illegal dumping on a vacant lot; it happens a lot; I spoke to property owner about selling the lot or putting up a section of fence along the alley  
-she doesn't think that PED will buy the lot because it's too small to build a house on it; but there is on-going illegal dumping going on here; there's no one there; it's obvious that it's illegal dumping  
-in the past, she's had some get a permit at DSI Office, 275 Jackson St to put up a fence that's high enough because then, if they dump in the alley, we're going to readily see that it's in the alley and she can send it to Public Works to remove it

Ms. Zheng:

-she went to DSI and they would not allow her to build a fence because there's no primary structure

Ms. Seeley:

-this is true; however, she thinks that Ms. Moermond should talk with Steve Ubl because we have done this in the past; and she is telling more and more people to do this; right now, we're doing it on a vacant lot on Whitehall; if there's not a primary structure on the lot, you can't build a fence entirely around the lot but we've gotten permits for a section of fence just along an alley

-if Ms. Moermond can talk with Steve Ubl and tell him this is an on-going problem with dumping; we did it on Hyacinth and on Mississippi Blvd - as long as it's not a fence around the entire lot

-just along the alley so people will be deterred from dumping

-Ms. Moermond needs to talk with the building official, Steve Ubl; about putting up an 6 - 10 ft high fence along an alley

-this is a very small lot

-right now, Steve Magner is having her put up 2 sections on a vacant lot; one on each end; he said that if there's not a structure on the lot, you don't need a permit; but she thinks that we need to talk with Steve Ubl

-have your contractor or you do a drawing

Ms. Nhia Vang:

-we will have Ms. Moermond follow up with Steve Ubl on this

-will recommend deleting this assessment if she's willing to work with Ms. Moermond and Mr. Ubl

Ms. Mai Vang:

-for now, we're deleting this assessment; we will contact you with more information - to see if they will allow you to put up a fence; you said that you have a contractor ready to go; so, we'll see if you need a permit

Ms. Nhia Vang:

Delete the assessment due to illegal dumping and on the condition that owner works with Stephen Ubl to get approval for installing a fence in the rear to prevent illegal dumping.

**Referred to the City Council due back on 4/6/2016**

**11**      [RLH TA 16-121](#)

Ratifying the Appealed Special Tax Assessment for Property at 676 WELLS STREET (File No. J1606C, Assessment No. 162005).

**Sponsors:**      Bostrom

Ronald J. Adams, owner, appeared.

Inspector Joe Yannarely:

-cost for 676 Wells demolition: \$17,300.44 + \$1,239.72 service charge = \$18,540.16

-if Mr. Adams is looking for a reduction, he should probably take it to City Council

Mr. Adams:

-he thought the cost was going to be \$9800

Mr. Yannarely:

-that was the bid for removing the structure

-the additional hazardous material cost was \$745

-cleaning up the lot was \$1552

-they had to do extensive back-fill, grading & erosion control because of where it was located and that was \$4653

-and the contractor had to pay the unpaid water bill which cost \$550.44

Mr. Adams:

-he couldn't find the breakdown of costs; would like to have that

-asked why it took so long to go through the demolition process

Ms. Mai Vang:

-printed out the breakdown of costs for Mr. Adams

Mr. Yannarely:

-the contractor didn't submit the bill right away; that's why it took so long

Mr. Adams:

-he will go to the City Council Public Hearing

-asked how a demolition contractor is selected

Mr. Yannarely:

-it goes to Human Rights Dept; they select the low bidder under certain criteria, including the cost of knocking it down, the hazardous waste cost, cost of infill, etc.

Ms. Nhia Vang:

Approve the assessment.

**Referred to the City Council due back on 4/20/2016**

### Special Tax Assessments - To be Deleted without a Hearing

- 12**    [RLH TA 16-112](#)    Deleting the Appealed Special Tax Assessment for Property at 858 BURR STREET (File No. J1605E1, Assessment No. 168315)
- Sponsors:**        Brendmoen
- Delete the assessment; Public hearing continued from March 2 to March 16.*
- Referred to the City Council due back on 3/16/2016**
- 13**    [RLH TA 16-100](#)    Deleting the Appealed Special Tax Assessment for Property at 149-153 DUKE STREET (File No. J1606P, Assessment No. 168405).
- Sponsors:**        Prince
- Delete the assessment; waiver on file.*
- Referred to the City Council due back on 4/20/2016**
- 14**    [RLH TA 16-113](#)    Deleting the Appealed Special Tax Assessment for Property at 720 HAWTHORNE AVENUE EAST (File No. J1605E1, Assessment No. 168315).
- Sponsors:**        Bostrom
- Delete the assessment; Public hearing continued from March 2 to March 16.*

Referred to the City Council due back on 3/16/2016

- 15 [RLH TA 16-102](#) Deleting the Appealed Special Tax Assessment for Property at 955 MACKUBIN STREET (File No. J1606P, Assessment No. 168405).

**Sponsors:** Thao

*Delete the assessment; waiver on file.*

Referred to the City Council due back on 4/20/2016

- 16 [RLH TA 16-120](#) Deleting the Appealed Special Tax Assessment for Property at 43 SEVENTH STREET WEST, Assessment Roll under 39 SEVENTH STREET WEST (File No. J1606P, Assessment No. 168405).

**Sponsors:** Prince

*Delete the assessment; waiver on file.*

Referred to the City Council due back on 4/20/2016

- 17 [RLH TA 16-101](#) Deleting the Appealed Special Tax Assessment for Property at 51 SEVENTH STREET EAST (File No. J1606P, Assessment No. 168405).

**Sponsors:** Prince

*Delete the assessment; graffiti was not on this property.*

Referred to the City Council due back on 4/20/2016

- 18 [RLH TA 16-98](#) Deleting the Appealed Special Tax Assessment for Property at 78 TENTH STREET WEST, #401 (File No. J1606P, Assessment No. 168405).

**Sponsors:** Noecker

*Delete the assessment; assessed to wrong address.*

Referred to the City Council due back on 4/20/2016

- 19 [RLH TA 16-107](#) Deleting the Appealed Special Tax Assessment for Property at 1161 UNIVERSITY AVENUE WEST (File No. VB1605, Assessment No. 168804).

**Sponsors:** Stark

*Delete the assessment; went to wrong address.*

Referred to the City Council due back on 4/6/2016

- 20 [RLH TA 16-104](#) Deleting the Appealed Special Tax Assessment for Property at 1619 UNIVERSITY AVENUE WEST (File No. J1606P, Assessment No. 168405).



**Sponsors:** Stark

*Delete the assessment; waiver on file since 2010.*

**Referred to the City Council due back on 4/20/2016**

### Special Tax Assessments - Rolls

- 21 RLH AR 16-6** Ratifying Demolition services from October to November 2015. (File No. J1605C, Assessment No. 162004)
- Sponsors:** Stark
- Referred to the City Council due back on 4/20/2016**
- 22 RLH AR 16-7** Ratifying Demolition services from October to November 2015. (File No. J1606C, Assessment No. 162005)
- Sponsors:** Stark
- Referred to the City Council due back on 4/20/2016**
- 23 RLH AR 16-8** Ratifying Boarding and/or Securing services during October 2015. (File No. J1605B, Assessment No. 168104)
- Sponsors:** Stark
- Referred to the City Council due back on 4/20/2016**
- 24 RLH AR 16-9** Ratifying Graffiti Removal services during November 6 to December 21, 2015. (File No. J1606P, Assessment No. 168405)
- Sponsors:** Stark
- Referred to the City Council due back on 4/20/2016**
- 25 RLH AR 16-10** Ratifying Tree Removal services from November to December 2015. (File No. 1603T, Assessment No. 169002)
- Sponsors:** Stark
- Referred to the City Council due back on 4/20/2016**

### 11:00 a.m. Hearings

#### Summary Abatement Orders

- 26 [RLH SAO 16-7](#)** Appeal of Joseph Bisanz to a Graffiti Abatement Order at 1045 CLEVELAND AVENUE SOUTH.
- Sponsors:** Tolbert
- Graffiti supervisor gave appellant more time to remove the graffiti on the building.*

Withdrawn

### Correction Orders

- 27 [RLH CO 16-6](#) Appeal of Julie Bauch for Talon First Trust, LLC to a Correction Order at 180 EAST FIFTH STREET.

**Sponsors:** Noecker

*Appellant apply for an extension to general hours of operation of their skyways which is different process through DSI. Appeal withdrawn.*

Withdrawn

### 11:30 a.m. Hearings

#### Orders To Vacate, Condemnations and Revocations

- 28 [RLH VO 16-10](#) Appeal of Heather Meyers, SMRLS attorney on behalf of Jennifer Sarafin, to a Revocation of a Fire Certificate of Occupancy and Order to Vacate at 979 AGATE STREET, #1.

**Sponsors:** Brendmoen

*Heather Meyers, Southern Minnesota Regional Legal Services (SMRLS) appeared representing Jennifer Sarafin, who also appeared.  
Cynthia Strusd, property mgr, also appeared.*

*Fire Inspector A.J. Neis:*

*-Revocation of Fire Certificate of Occupancy/Order to Vacate dated Jan 11, 2016 with re-inspection scheduled for Feb 9, 2016*

*-revoked due to noncompliance of the Order issued by Inspector James Thomas  
-9 items on the Orders*

*-checking Amanda, it appears that all items have been corrected per Inspector Thomas Feb 29, 2016; inspector was satisfied; there is no reason for Vacating*

*-as of Fri, Feb 26, the C of O was approved with Corrections*

*-tenants have been advised to stop parking on the grass*

*Ms. Strusd:*

*-she called the tenant right away, who said that she did not know that she could not park there*

*-come spring, we may have that area paved*

*-the furnace testing will occur within the next 2 weeks*

*Mr. Neis:*

*-Mr. Thomas will go back in spring to verify and see if anyone is parking on the grass*

*-there is no longer a reason to vacate*

*-recommended that the smoke detectors/CO detectors remain operable*

*-make sure that the windows are able to be opened and clear them from obstruction*

*Ms. Vang:*

*-will recommend granting the appeal*

*Grant the appeal based on the conditions being met.*

---

Referred to the City Council due back on 3/16/2016

### 1:30 p.m. Hearings

#### Fire Certificates of Occupancy

- 29 [RLH FCO 16-39](#) Appeal of Tara Schweiger, Maypop Tires, to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 2554 COMO AVENUE, BUILDING C.

**Sponsors:** Stark

*Deny the appeal; no one appeared.*

Referred to the City Council due back on 3/16/2016

- 30 [RLH FCO 16-38](#) Appeal of Jim Meister, General Contractor, to a Fire Certificate of Occupancy Correction Notice at 408 SAINT PETER STREET.

**Sponsors:** Noecker

*Appeal withdrawn since the owner has provided required documentation to DSI.*

**Withdrawn**

### 2:30 p.m. Hearings

#### Vacant Building Registrations

- 31 **RLH VBR 16-16** Appeal of Steven R. Jensen to a Vacant Building Registration Notice at 896 COTTAGE AVENUE EAST.

**Sponsors:** Bostrom

*Steven R. Jensen, owner and Ms. Beverly Flowers, who also lives there, appeared. DSI Staff: Fire Inspector A.J. Neis; Vacant Buildings Inspector Matt Dornfeld; and Vacant Buildings Supervisor Steve Magner appeared.*

*Mr. Magner:*

*-this property was inspected Jan 28, 2016*

*-during the inspection, the dwelling was deemed to be unfit for human habitation; Condemnation placards were posted*

*-subsequently, the property was re-inspected the next day, verifying that the dwelling was vacated; at that time, we found individuals in there; the property was vacated and the site was boarded and a Category 2 Vacant Building file was opened*

*-the Appellant did not go into detail but checked the Vacate Order/Condemnation as the reason for the appeal; he assumes that they want either to appeal the VB status or the VB registration fee*

*Mr. Jensen:*

*-questioned the order of things: "Isn't that the wrong order of things? Didn't you put the placards up and secure the property before you even inspected it?"*

Mr. Magner:

-the inspector and Mr. Magner were out there with SPPD in the execution of an Administrative Search Warrant

Mr. Jensen:

-that's true but you had already locked the buildings down and didn't even check if there were people in there; there were 2 people in there when you did it

Mr. Magner:

-when they came, there were multiple attempts to try to gain attention of any occupants on the property and since no one responded, and they found that the building met the conditions set forth under Chap 34.23, they moved forward with securing the property

Mr. Jensen:

-you didn't even inspect the property; you did not get inside so, how could you inspect it if you could not get inside

Mr. Magner:

-we can Condemn a building from the exterior and that's what we did in this case

Mr. Jensen:

-so, what was wrong with it? I never got any paperwork about what was wrong; nothing that asked me to fix anything

Mr. Magner:

-a copy of the Condemnation was mailed to the residence at 896 Cottage Ave East

Mr. Jensen:

-after I got put out of my property and you told me that I would be arrested if I walked into my property; I can't get my mail then, no matter where it's at

Ms. Flowers:

-I was in the residence at this time when they were boarding the place up

-I live there with Mr. Jensen

-it took Mr. Jensen 2 1/2 hours to get us out of there; I felt like I was in a tomb; it was so dark in there; it was crazy

-they did not knock; not once did they knock; no one came in to see if we were in there

Mr. Magner:

-it's pretty hard to believe that someone could not hear us; no only were we extremely vocal but there were 2 windows of the structure open at that time: a side window to the first floor and also a rear entry door

-subsequent to that, we were on site of almost 2 hours during this time; our contractor came and boarded up those windows - it was not a very quiet event; neighbors across the street came out to ask us what we were doing

-we returned to the site later in the afternoon and at that time, we were told that there was no one initially in the property

Ms. Flowers:

-as far as the pounding going on, she thought it was Mr. Jensen fixing the dining room window and the rear window in the door

Mr. Jensen:

-the windows had been broken a couple weeks before and he didn't have any money

to fix it until he got his Social Security check

Ms. Flowers:

-she did not get up and check on the pounding because her girlfriend had surgery and she was up taking care of her the night before; she was staying the night because she has no family and she has a pace maker; we were boarded up in the house

Ms. Vang:

-asked if they had received the Condemnation Order (the city did not receive any returned mail either)

Mr. Jensen:

-the day they threw us out and Condemned the house was the first I heard about it  
-his dad bought the house and fixed it up; his brother moved in and he moved in; his dad passed away; then, his brother passed away; now, he's there  
-years ago, it used to be a duplex; he thought about doing that so that he could at least pay the taxes; so, they were cleaning it up to get it ready but they hadn't done any construction - didn't take out any permits yet but they were going to; there was a sink upstairs that didn't work and it needed to be fixed in order to make it a duplex  
-the house is going through probate; that's why the taxes haven't been paid but they will be; owners of the house are his deceased brothers 2 children, his living brother and himself

Ms. Vang:

-why are you appealing?

Mr. Jensen:

-he didn't receive Notice that they were going to inspect; he came to inspect with 2 police officers and he wondered why he had police officers with him; he has no violence in his record or anything like that; it looked like a round about way to get around the search warrant laws or something; why would a city inspector have 2 police officers with him

Mr. Magner:

-explanation of the process on how it became a VB:

-Nov 19, 2015, a complaint was entered regarding the property owner having added an illegal apartment to the house; it's a single family dwelling; that information was forwarded to DSI by the SPPD, who had been there for another event (doesn't have that information); Inspector Ed Smith went to the property with SPPD also; it's standard that when there's a situation where there's a confluence of behavioral issues along with code violations, that we have SPPD assist us for the safety of our inspectors (based on the city's history); Mr. Smith and the officers went to inspect the illegal apartment added to the single family home; there was no answer at the door; the house had 2 electric meters; separate entry to the upper floor; he sent a Correction Notice to deconvert back to a single family status  
-the person at the house indicate that the property owner was deceased and per the owner's son, Steve Jensen, the house is in probate; Mr. Jensen would not allow entry; he asked that an appointment letter be sent; an appointment letter was sent for Thu, Dec 10, 2015 at 9:30 am; Mr. Smith met with SPPD at 9:30 am for the appointment; there was no answer at the door; Mr. Magner emailed and spoke with Theresa Skarda, City Attorney's Office re: doing an Administrative Search Warrant; I indicated that we had already issued the Orders; we subsequently sent 2 more appointment letters after that; to no avail were we able to do that re-inspection  
-we had already identified that there were violations of the Legislative Code; we had already issued Correction Orders on thos violations; and we obviously had

established no relationship for Mr. Jensen to work with us to do follow up inspections; since that was the case, Attorney Skarda moved forward and Mr. Smith obtained an Administrative Search Warrant (standard practice for us to do) and we went out there again on Jan 27, 2016 to execute that search warrant; upon first attempt, no one came to the door; they found the building to be opened to entry; which was enough cause for them to move forward with the Condemnation; we placarded the building and tried multiple times to bring someone to the door but there was no response; waited for contractor to arrive; they came and boarded those 2 openings (at an extreme noise level); we left and were contacted at noon by SPPD, who indicated that the owner had been out there attempting to gain access to the back door; he went out and met with the owner and produced a copy of the Administrative Search Warrant, made entry and identified all of the other violations identified in the Condemnation Notice and indicated to him that the property needed to be vacated immediately; there were serious life safety hazards existing; they went back the following day and found the dwelling still occupied; with the assistance of SPPD, they vacated the structure and boarded up the rest of the dwelling to secure it from entry

Mr. Jensen:

-Mr. Magner said that some kind of Order had been sent out but he never got anything on this - no letter; he still hasn't gotten anything

Mr. Magner:

-sent Correction Notice dated Nov 19, 2015 (describes the outstanding violations)  
-sent appointment letter dated Dec 17, 2015  
-all sent directly to Mr. Jensen at this address

Mr. Jensen:

-if a letter was sent Nov 19, he doesn't remember anyone inspecting before that to make a determination on any violations; how would they know?  
-he certainly didn't get any of those letters; he asked for a letter of appointment and never got any

Mr. Magner:

-it's real easy for you to say that you never got any documents; and that you didn't know this was going on..... seems to be your rationale for not complying

Ms. Flowers:

-how can you say that there were violations in the house if you never inspected it from the get-go?  
-I don't get it!

Mr. Magner:

-their standard course of action is to send mail through the US Postal Service; they are not required under any part of the ordinance to send a registered letter for that when we obviously, had communicated with you  
-it appears pretty obvious to the city based on the police activity and the existing code violations there that you're having problems running this structure; that was pretty clear when we came to the site; there was a hypodermic needle right in front of the property; around the back of the house, they noticed a small glass vile, which based on his experience and training, indicates a pipe use for smoking meth; he pointed both of those out to SPPD and they were recovered on site

Mr. Jensen:

-his brother had been a diabetic and they were cleaning out the upstairs  
-they keep their yard clean

Ms. Flowers:

-as her probation officer, Wanda Berry, said, I'm being racially profiled as well as labeled and harassed for certain things that she would not do for the SPPD; she has been clean since May 29, 2015 and she got a job working in Chicago through an accounting firm; she is doing good  
-everything that she found of Mr. Jensen's brother's/was hazardous was put into a box that's in the basement underneath the stairwell; she didn't know what to do with it at that time

Ms. Vang:

-the house is not in the VB Program; what now?  
-you are appealing the VB status

Mr. Jensen:

-he wants to remedy this; there's no mortgage on the house; maybe he can borrow money and fix it up; he needs a place to live  
-he has lived there for 13 years

Mr. Magner:

-currently, the dwelling is a Category 2 Registered VB; based on the fact that the dwelling is Condemned and Vacated; for the owner to move forward, he needs to Register the VB with DSI and pay the \$2085 fee and he needs to apply for a single family code compliance inspection, \$435; once the inspection report is obtained, he can move forward with pulling permits and doing the rehabilitation; normally, in a case like this based also on the fact that this is in hearing, the hearing officer usually looks at the other outstanding issues, which includes the real estate taxes; there's an expectation that those would be paid, either in full or some type of payment agreement made with Ramsey County because it looks as though this property will forfeit in the near future

Ms. Vang:

-to move forward, she would support Mr. Magner's recommendation to get the building registered as a Cat 2 VB and take care of the taxes (approximately 2-3 years in arrears)  
-will allow time for Mr. Jensen to put a plan together on how he plans to bring this property into compliance

Mr. Magner:

-contact VB Inspector Mr. Singerhouse, 651/266-1945 to arrange time to access the house during the day

Ms. Vang:

-will Lay this Over to Mar 15, 2016 in order for Mr. Jensen to present the progress he has made  
-we will work from there  
-a letter will be sent confirming what was discussed today

Owner needs to bring property taxes to current or make payment plans with Ramsey County and present concrete plans for the repairs. Owner can make arrangements with Inspector Singerhouse to gain access to the property during the day to make repairs or get belongings.

**Laid Over to the Legislative Hearings due back on 3/15/2016**

**Sponsors:** Prince

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 3/8/2016**

**33**     [RLH VBR 16-13](#)     Appeal of Sam Riesgraf, SMR Real Estate LLC, to a vacant building posting at 576 WHITE BEAR AVENUE NORTH.

**Sponsors:** Prince

*Sam Riesgraf, SMR Real Estate LLC, owner; and Kristen E.H. Hasher, property manager, appeared.*

*Fire Inspector A.J. Neis:*

*-Revocation of Fire Certificate of Occupancy / Order to Vacate  
-currently, the building is a Category 2 Vacant Building  
-the reason for the Revocation/Vacate is long term noncompliance; Notices had been sent out and we just did not gain compliance within a reasonable time frame; once the house was vacated, they sent it to the VB Program*

*Inspector Steve Magner, Vacant Buildings:*

*-to clarify, we went out to open the VB file and we found that the dwelling was occupied; it was his understanding that the tenants were going to file an appeal; thinks there was some confusion as to their vacate date  
-they were out last Fri and spoke with the tenants, who had not vacated  
-they identified that the placard had a Feb 29, 2016 Vacate Date listed; although, the original Revocation letter had a Jan 29, 2016 Vacate Date; based on that confusing detail, we are awaiting the outcome of today's hearing to open that VB file  
-they have already done the initial inspection  
-it's their understanding from speaking with Fire Inspection that there has been no attempt to rectify any of the many outstanding violations (there are quite a few items on the deficiency list)*

*Mr. Neis:*

*-appointment letters have been sent out since Jul 2015  
-the C of O was initially Revoked in Oct 2015; after some communication, more time was given  
-the inspector did make an error on his Notice (his letter said to be in compliance or vacated by Jan 29, 2016; the placard said Feb 29, 2016)*

*Mr. Riesgraf:*

*-he got a call from Inspector Klein on Oct 15, 2015; he kind of said that he had been trying to reach me and asked if we were the owner of the property, etc. and if we had been getting the city's letters; Mr. Riesgraf told Mr. Klein, "No, we haven't;"  
-that would explain why we haven't reached you to get an appointment set up  
-our office had moved that summer and had significant mail problems in transferring their address; they had to go back to a Roseville Post Office to find some of their mail  
-Mr. Klein noted that he had sent out a follow up inspection date for Oct 20, 2015; and we met him on site  
-we had a list; today, every item is complete with the exception of a few weather realed items; Mr. Klein allowed us to wait until spring for those: 1) a side walk on the north side of the property that has some trip hazards; and 2) a piece of fascia that needs to be replaced; also some debris that's still frozen  
-as of today, every item on the interior has been completed in accordance with the inspection requirements  
-has a copy of deficiency list dated Dec 28, 2015 with 17 items on it (Done inside)*



-wanted to comment on a particular item, a door that was called out to be replaced; there's 3 bedrooms upstairs and one of the bedroom doors had a small hole near the bottom; it was flagged initially to be replaced; upon Mr. Klein's re-inspection, he flagged that the door had not been corrected; Ms. Asher was with Mr. Klein at that time and she told him that it had been replaced; there was another door that has a poster on it, which had several holes behind the poster, which wasn't caught the first time; the 2nd time, it was flagged (photos shown to Mr. Neis); that was actually an additional door that was found, not the original door, which had been replaced -upon re-inspection on Dec 29, 2015, that morning Mr. Klein called him at 8 am and said that with this bad weather, he'd rather re-schedule; Mr. Riesgraf said, "Fine"; and he said that he'd send out another appointment letter; he sent out a letter for Jan 11, 2016 and Mr. Riesgraf immediately contacted the tenant, who wanted to be there; the tenant had just switched jobs at that particular time and she that it wasn't going to work for her to be there and she'd rather not have people there; Mr. Klein, at that point, when he was notified on Jan 7, 2016, in essence, refused to re-schedule the appointment; the other conflict was that he wanted to be there personally and he happened to be unavailable on Jan 11, as well; not sure why it was so mandatory that they couldn't re-schedule; as a licensed general contractor, he has bought, fixed and sold 45 houses in St. Paul within the last 5 years; at one time, he owned 14 rental properties; today, he owns 9, all in St. Paul and he's very familiar with the city's processes; he knows Jim Seeger very well and all the folks at DSI; Ms. Shaff, as well - has a good working experience with the city of St. Paul; this is the first time that he's ever had to appeal anything (being forced into this position)

-his request today is: 1) he wants a verification that every inspection has been done; when Mr. Klein showed up the 11th, despite their position that they couldn't be there, Mr. Asher had been there, Mr. Klein was there a total of about 2 minutes, he didn't inspect everything and said, "Inspection failed"

- 1) let's verify that everything has been done

- 2) we do not want to do a VB; this is not the caliber of property of the previous case; it's onerous and not necessary

-has owned this property since 2009 or 2010

-they could replace the 15 feet of fascia now, if necessary; the sidewalk needs to wait and also, the frozen items on the ground

Mr. Neis:

-reading notes from Mr. Klein - he had consulted with Supervisor Shaff about scheduling and based on the long term noncompliance, her advise was to Revoke -looking at the file and Mr. Reisgraf and Ms. Asher say that all the interior work is done, the inspector did err on the Notice of Revocation; had his Notice on the door said Jan 29 instead of Feb 29, he would be more inclined to say that this is a Registered VB; however, there was a discrepancy in the Notice, so, if the work is done; technically, we'd have to honor what our Notice would say but if all the work is as indicated, they would have to take a look and we'd re-instate the C of O

Ms. Vang:

-so, could we schedule a re-inspection?

Mr. Neis:

-he will advise Mr. Klein to send out a new appointment letter with a very short time; checked to see that he was out of the office today

-pointed out that, in the future, communication needs to improve

Mr. Riesgraf:

-agrees with Mr. Neis but there was confusion around the dates (letter vs placard); the initial Revocation was posted on the 11th, the actual date of the inspection, which didn't make sense to him because it seemed as though it was posted without having

*been inspected*

*Mr. Neis:*

*-will try to have Mr. Klein come back out this week yet*

*-we will report back to Mr. Vang (LH) in 2 weeks; if the C of O is approved this week, we'll just send it in an email; if not done, we'll let you know*

*Mr. Magner:*

*-we will not be opening a VB file*

*Ms. Vang:*

*Layover to March 15 to report the status of Inspector Klein's inspection this week when he inspect the property. If the inspector finds that all the repairs are done, he will reinstate the Fire C of O and the appeal will be granted.*

**Laid Over to the Legislative Hearings due back on 3/15/2016**