



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Minutes - Action Only

Legislative Hearings

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

Tuesday, April 2, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 RLH TA 19-95** Ratifying the Appealed Special Tax Assessment for property at 1148 GERANIUM AVENUE EAST. (File No. VB1907, Assessment No. 198806)
- Sponsors:** Busuri
- To be referred back to Legislative Hearing to May 7*
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- Matt Dornfeld, Paula Seeley, Staff.*
..Tax Assessment Worksheet
Cost: \$2127
Service Charge: \$157
Total Assessment: \$2284
Gold Card Returned by: Apani Chavez
Type of Order/Fee: VB Fee
Nuisance: unpaid VB fee
Work Order #: 18-124390 Inv # 1409194
Returned Mail?: No
Comments: CATEGORY 2 SINGLE FAMILY OPENED 11/20/18 REVOKED BY FIRE INSPECTORS
History of Orders on Property:
- Dornfeld:*
This was supposed to be a layover for today. It was in front of you previously. Per Inspector Singerhouse, this Vacant Building file was closed yesterday, April 1, per the compliance date you gave them. Today, we would discuss the Vacant Building fee assessment of \$2284. That was assessed to the property taxes. I think the deal was that if they were to get their sign-off by April 1, the Vacant Building fee was to be deleted.
- Moermond:*
That is correct. I sent an email on March 28 to push it to April 2 because of two issues. One is I could have done better communication on whether it would be Fire C of O staff or Code Enforcement staff that would be doing the follow-up, because it is owner-occupied. And the other part is I wasn't sure how this was referred to the Vacant Building Program. The family is living there and that wasn't addressed.

Have you guys talked with Fire C of O about doing a follow-up inspection? There were some C of O orders written under the previous owner's name.

*Paula Seeley:
I got an email last week.*

*Vang:
Leanna Shaff said being it is owner-occupied, Code Enforcement should follow up on the orders.*

*Seeley:
I got that.*

*Moermond:
Time to send an appointment letter to make sure they have addressed everything in the Fire C of O letters.*

*Seeley:
I will try to find the order and follow up.*

*Moermond:
There was a fair bit to do in this case. The deadline is May 1 to get their orders addressed and be out of the Vacant Building Program. May 7th is the layover date.*

*Dornfeld:
Singerhouse has closed the Vacant Building file.*

Referred to the City Council due back on 4/17/2019

2 RLH TA 19-154 Ratifying the Appealed Special Tax Assessment for property at 995 REANEY AVENUE. (File No. VB1907, Assessment No. 198806)

Sponsors: Prince

Roy Carlson, Sr. appeared.

*..Tax Assessment Worksheet
Cost: \$2127
Service Charge: \$157
Total Assessment: \$2284
Gold Card Returned by: Roy Carlson
Type of Order/Fee: VB Fee
Nuisance: unpaid VB fee
Work Order #: 18-120513 Inv # 1406945
Returned Mail?: No
Comments: VB Category 2 opened 11/6/18 referred by Fire inspector for a revocation of a Fire C of O; No permits or CCI on file
History of Orders on Property:*

*Moermond:
Let's talk about 995 Reaney. You are Mr. Carlson. Did you have another Certificate of Occupancy inspection?*

*Roy Carlson, Sr.:
No, not yet. Nobody contacted me.*

Moermond:

You were supposed to contact the City to schedule it.

Carlson:

I was under the impression from last time that you wanted to ensure there was a contract in place and you paid money down to get the work going so we could finish it.

Moermond:

That was part of what I was looking for, yes sir.

Carlson:

No one has contacted me for an inspection. It thought the other gentleman that was here was going to do that or set something up but I never heard anything.

Moermond:

It was pretty clear that you were told that you needed to contact the Fire Certificate of Occupancy program.

Carlson:

I must have missed that. I thought the gentleman here that was with vacant housing and the other lady that was here from the Fire Department were going to follow up on that. I didn't know that I had to do it.

Moermond:

You have been allowing people to live in your registered vacant building without a Certificate of Occupancy. It was clear you have to address some serious things that you had not done.

Carlson:

We can do that immediately.

Moermond:

You are going to have to schedule it right now and get all the work done and I don't know that this work plan is for what is going to be on a Fire C of O list or if this is something else. That was the purpose of getting that inspection report--so that I could see what was needed, see a contract that you are going to get the things done, and that they would be done by the beginning of May. You didn't do the whole first thing you were supposed to do.

Carlson:

Mr. Thomas went through and wrote the last order and he didn't see any other problems. I asked if there was anything in the interior and he said absolutely not, I'm interested in the peeling paint and those soffits. That's what we addressed here in this contract. If there's further work, I'd be glad to [inaudible]

Moermond:

Mr. Carlson, you were supposed to call to get an inspection. What was true about the last inspection, I don't know if that is still true. That was why we needed a fresh inspection report.

Carlson:

I misunderstood. I thought we were going to do that after we got this reinstated.

Moermond:

That is backwards. And I don't know if I believe you because we had such an exhaustive discussion of this.

Carlson:

I am more than happy to get hold of them today and set it up because...because of my hearing deficiency, I might have misconstrued what was said. If that's the way you want it, I will get it today. Very simply, there's nothing else wrong and I want to get past that. That house is in better shape than anything within blocks of it.

Moermond:

I think you said that before and I wish I had some actual proof of what was going on there. You have disregarded the entire system for working with non-owner occupied housing. You haven't done what was asked of you at the last hearing. We are going to recess so I can review this record.

[Brief recess while Ms. Moermond reviews the record]

Moermond:

Here is what I am going to do: you have until May 1 to get your Fire Certificate of Occupancy reinstated. You need to get a fresh inspection report in order to do that. You have been told that before many, many, many times in all the correspondence you have received from the City. Your Certificate of Occupancy was revoked in November, 2018, so when I last spoke to you, it had been three months since you had been in the registered Vacant Building Program.

If you do not have your Fire Certificate of Occupancy reinstated by May 1, Mr. Dornfeld's people will move to vacate the premise. The Vacant Building fee will remain in place and you will have your Fire C of O bill. If you can get out of the Vacant Building Program by May 1, I will reduce the fee to \$750 for a Vacant Building fee. You will have your C of O fee on top of that. That is your only opportunity to get out of the Vacant Building Program without vacating the property and going with a Code Compliance Inspection. I do not think you have been acting in good faith.

You said you had good tenants that are good neighbors and I'd like to say that we can help those people out and it is for that reason I am looking at this. OK? Have a good rest of your day.

I should add, if we don't have a Certificate of Occupancy by May 1, we will go with the Vacant Building fee for the whole year. You have to get on this. Do you need this back?

Carlson:

No, that's your copy. Not making an excuse, but, there is a but here...if I would have had to just get the inspection, that's not a big item. I'm not worried about a thing. But it's coming up with the money to get this [inaudible] guy in first. I thought that was a thing I had to do right away. The inspection, if I had got it right, I would have gladly had them do that and we wouldn't be talking about this.

Moermond:

It is hard for me to trust your words when you had so many "no show" inspections for your Fire Certificate of Occupancy during 2018. That may have been true sometimes, but other times there was confusion or you didn't make your appointment. I am done with my recommendation in your case. Please call and get that inspection so you can

do these corrections and they can sign off on your Fire Certificate of Occupancy. i would really like to see you get that and be done with it.

Carlson:
So would I.

REC: grant to May 1, 2019 to get Fire Certificate of Occupancy reinstated or will recommend approval of the vacant building fee.

Referred to the City Council due back on 4/17/2019 (to be referred back to Leglative Hearing on May 7)

- 3 RLH TA 19-150** Ratifying the Appealed Special Tax Assessment for property at 1883 LACROSSE AVENUE. (File No. VB1907, Assessment No. 198806)

Sponsors: Busuri

Matt Dornfeld, Staff.

..Tax Assessment Worksheet

Cost: \$2127.00

Service Charge: \$157.00

Total Assessment: \$2284.00

Gold Card Returned by:

Type of Order/Fee: VB FEE

Returned Mail?:

Comments: VB FILED OPENED ON 12/8/17 AND CLOSED 1/3/19. REHAB COMPLETED LESS THAN 30 DAYS PASSED ANNIVERSARY DATE. WE RECOMMEND DELETING FEE.

History of Orders on Property:

Dornfeld:

[reviews staff file above] Inspector Yannarely wrote the dates wrong. It should read file opened on 12/8/18 and closed on 1/3/19. We recommend deleting the fee.

REC: Delete the asesment.

Referred to the City Council due back on 4/17/2019

- 4 RLH TA 19-188** Ratifying the Appealed Special Tax Assessment for property at 1884 SUMMIT AVENUE. (File No. VB1907, Assessment No. 198806)

Sponsors: Tolbert

Matt Dornfeld, Staff.

..Tax Assessment Worksheet

Cost: \$2127.00

Service Charge: \$157.00

Total Assessment: \$2284.00

Gold Card Returned by:

Type of Order/Fee: VB FEE

Comments: VB FILE OPENED ON 11/19/12 AND REHAB COMPLETED ON 3/19/19. INSPECTOR DORNFELD HAD GRANTED A 90 DAY WAIVER THAT WAS NOT ENTERED INTO SYSTEM. DSI RECOMMENDS DELETING ASSESSMENT.

History of Orders on Property:

Dornfeld:

[reviews staff report, above]

Moermond:

No, it's 120 days, if these days are right. You gave a 90 day waiver and after 120 days, they had their Code Compliance. But since it wasn't entered into the system, I'm going to go with you because the communication would have been a little haywire.

Dornfeld:

We recommend deleting the assessment. They did pay roughly \$10,000 in Vacant Building fees.

REC: Delete the assessment.

Referred to the City Council due back on 4/17/2019

5 RLH TA 19-190

Ratifying the Appealed Special Tax Assessment for property at 1533 WYNNE AVENUE. (File No. J1907B, Assessment No. 198106)

Sponsors: Jalali Nelson

Jacquelyn Gulbranson appeared.

Matt Dornfeld, Staff.

..Tax Assessment Worksheet

Cost: \$280.00

Service Charge: \$162.00

Total Assessment: \$442.00

Gold Card Returned by: JACQUELYN GULBRANSON

Type of Order/Fee: EMERGENCY BOARDING

Nuisance: UNSECURED BUILDING:

Date Work Done: 12/19/18 AT 1PM

Work Order #: 18-287-490 (POLICE REPORT HAS BEEN REQUESTED).

Returned Mail?: NO

Comments:

History of Orders on Property:

Moermond:

I am looking at a boarding situation here. Mr. Dornfeld?

Matt Dornfeld:

This is ratifying the appeal. [reads staff report] There is a police report on file which states that at 12/19/18 at 1230 hours, officers were dispatched to 1533 Wynne Ave in response to a burglary in progress. Upon arrival, officers located the suspect inside the address. The suspect was able to jump off the roof and was caught trying to flee on foot. Officers took suspect into custody and arrested him.

Moermond:

Is that the public version of the police report?

Dornfeld:

Correct.

Moermond:

Could we scan that for our record? I don't have that.

Dornfeld:
OK.

Moermond:
So, is this your house?

Jackie Gulbranson:
Yes.

Moermond:
Tell me about what's going on.

Gulbranson:
I got a call from a neighbor, saying your house was just broken into. [inaudible] guy came in the door. My husband and I got to the house within two hours. Luckily, the St Paul Police Department had been there very quickly, within several minutes of the neighbor calling, and were able to make an arrest. There was nothing missing; it was kind of a "best case" scenario. We had my brother-in-law come out and fix the door and everything seemed to be fine. We got very lucky. And then in mid-January, we got a letter from the City, saying we owed \$442 and I am very confused about that because we had nothing to do with the break-in and I want to know more about this. I want to appeal it; I don't want to pay \$442 for...

When I got home, the door was screwed shut with two screws and a bracket, the door that the person kicked in, a broken door. And I guess the [inaudible] amount of \$442 just doesn't make sense to me.

Moermond:
To answer your first question, when the police are there at a break-in or a fire or any circumstance where a house is left open, they don't have keys to lock it up. They can't leave the scene of the crime unsecured, so they call in a boarding contractor to close the building. Usually, it's enough to drive a few screws and put a bracket in place. If there's a broken window, there would be a board on it.

There are two big pieces to this charge. One is an emergency call out of the contractor and that is \$250 and then there is an administrative fee added on to this. Have you talked to your insurance company about the break-in?

Gulbranson:
Yeah, our deductible is \$1000.

Moermond:
Like most people's.

Gulbranson:
Replacing the door was actually less than this. In talking with the Ramsey County Attorney's office, who has been in contact about the person's criminal charges, they said you could give them the paperwork for these charges and they could turn it into a restitution charge. Which sounds fine, we can pass this over to the person who did this damage to our home. However, I still don't think it's a fair charge; it's highly inflated. Again, my husband and I were there very quickly. The upstairs window that this person crawled out of was still left open so I guess I [inaudible] secure the property.

Moermond:

I guess the second floor is something different than the first. Inflated? We could talk about the administrative fee, but in terms of calling out someone in the middle of the day, or the middle of the night, if you need them there instantly, \$250 is the going rate. Did you talk with the police before you got home?

Gulbranson:

They said they told my neighbor to call me. That was the extent [inaudible]. They called me the next day because I called them. So it felt very much like... I was super thankful that they were there, and so responsive, and they did this. But [inaudible] say to my neighbor, oh call her, and that was it. Felt very, um, I don't know, I think this charge is very unfair. I am not unreasonable, I would happy to reimburse the charge for two screws and a bracket. [laughs] But that to me does not translate to \$442.

Moermond:

We didn't call out a minimum wage person from the hardware store to come and drive that. To be fair, there is a real cost associated with that. What I am listening for is the communication with you, and I'm not sure what the officers on the scene were alerting you about the situation, or coming home, or if they could get the contact information from the neighbor. I only know thirdhand what the conversation was between the police and the neighbor, and this informs what opportunity you had to take action. They can't leave the scene. They can't take two hours in the middle of the day and babysit the house. At the same time, is there something you could have done in the meantime? I need more information from the police. I am sympathetic to you, and I want to make sure I have a good record. Mr. Dornfeld, would you follow up with the police and find out what they remember of their conversations?

Dornfeld:

I can attempt to do that. With this happening prior to Christmas, I am not sure how much they will be able to recover.

Moermond:

The classic problem we see is the police will talk to you, and say we're going to call a boarding contractor, but they don't alert you that there are costs associated with that.

Gulbranson:

This was a complete shock to me that we would get this bill. In the conversation on December 19, if the voicemail from my neighbor was "hey, they are going to call ... you are going to pay \$442." It was not like that. I went home as quickly as I could, anyway, but I had no idea until I got the letter in January.

Moermond:

I hear you, and at the same time I know they are kind of stuck. And they have to move on with their day. We will see if we can get some better information from the officers who were there about the communication. It might be interesting to find out what they know about boarding contractor charges and is this a training issue on their side. I think it has been a training issue in the past.

Dornfeld:

I issue emergency boardings all the time. To get a contractor out, immediately, that's the charge. When you have to get any type of technician out there immediately, you are paying for that. That's the standard. This sucks; I totally feel your pain. But that's the cost when you have to get a technician to your property immediately. I mean, they are dropping what they are doing and coming out. There's a cost to that.

Moermond:

Make sure we have good contact information for you. We can email you and let you know what we find out. We can resolve this by email.

Gulbranson:

I want to appeal this as far as I can go.

Moermond:

First, I need to provide a recommendation to the City Council. They are the decision maker. In your type of situation, right now, I am inclined to split it, knowing that the City did incur costs, but being sympathetic to your situation. I don't have what I think is key information from the Police Department. If they didn't try to reach out to you, that's not bad on them. Them needing to secure it, that is in the interest of public safety. I am looking at the administrative charge as something I could work with you on.

Dornfeld:

Can I add to this? I issue a lot of emergency orders and a lot of vacant buildings get broken into and a lot of times owners are unresponsive if I tried to call. The question is, would you rather leave your building open for an extended period of time to allow the same crime to reoccur or would you rather pay this godawful amount to have your property secured. There is a trade-off to the timeline.

Gulbranson:

If I could respond to that, you are implying that I had a choice in the matter.

Dornfeld:

You did not have a choice.

Gulbranson:

I did not have a choice. I understand where you are coming from. I didn't have a choice.

Dornfeld:

But a crime was committed. I understand. I totally get it.

Gulbranson:

Yes.

Dornfeld:

It's like getting hit by someone in your car who doesn't have car insurance. It's a bad ... unlucky.

Gulbranson:

I think I've said [inaudible]

Moermond:

This is one of the cases where we know the person who owns the house may not have a choice.

Dornfeld:

We can't leave the property wide open. There's a cost to doing that work. I know it's high, but it has to be high.

Gulbranson:

If I had the opportunity to reach out to my neighbor, for example, [inaudible] could you go to the house for half an hour while I [inaudible] the phone

Moermond:

When it's a commercial property, they have a Fire Certificate of Occupancy and there are keys to the building that can be used. There are contact people on the Fire C of O. This is an owner-occupied house. There simply isn't that ability to reach out to get hold of you. Most people just have cell phones now, there is no landline. And if there were, you are not in there to get hold of, and so it's an awkward situation all the way around. I'm going to go ahead and get some additional information so we are all in a better place.

Dornfeld:

I'm looking to try to figure out if the police tried to contact the property owner and if they didn't. And we don't think that they did.

Moermond:

I'm concerned, the way this has been related. I don't know if the police would relate it in the same way. For the neighbor to be the contact on this. I don't know if your neighbor stepped forward with "I can do it." Or if it was "you do it, we're really busy." Which doesn't sound great to me. We will get some additional information and see where we can go with it.

Once you hear where I'm coming from with it, if you want to put more on the record, that's great.

Gulbranson:

So, I should plan on the City Council meeting in May? That's the next...

Moermond:

If you are OK with what I recommend to them, you don't have to go. If you are not OK with what I recommend to them, then that would be the next place to talk about it.

Gulbranson:

Thank you for your help because this is a very new process for me.

Moermond:

And probably you'll never need to be here again.

REC: forthcoming

Referred to the City Council due back on 5/15/2019

6 [RLH TA 19-199](#)

Ratifying the Appealed Special Tax Assessment for property at 797 IGLEHART AVENUE. (File No. J1907B, Assessment No. 198106)

Sponsors: Thao

Aleta Cox appeared.

Moermond:

737 Iglehart. Ma-am, do you want to come up?

Dornfeld:
Do you have a fire [inaudible]?

Aleta Cox:
No, I do not.

Moermond:
Since we didn't know you would be coming, Mr. Dornfeld is going to put together a quick staff report to save you another trip downtown.

Cox:
OK.

Dornfeld:
On December 18, 2018, the Fire Department issued an emergency work order to secure the property. In looking at the invoice, I am not sure what they secured. The invoice total is for \$295. I am assuming that is not including the admin fee which is normally \$122, so that's \$417, possibly.

Vang:
\$457

Dornfeld:
\$457. Because I am not prepared for this, maybe you can tell me what they actually did secure?

Cox:
This is my grandmother's property. She activated her Life Alert because she was having an emergency and so the Fire Department came. They did have instructions to use the key through the Life Alert system but there was some issue with that so they broke in through the front and the back door. Both of those had to be secured. They took her away in the ambulance.

Moermond:
Does she live alone?

Cox:
Yes.

Moermond:
Is she back home?

Cox:
She's back home. I had been her primary caregiver and I recently moved from the property. She had some pain and was hospitalized [inaudible] constant care. She is on a fixed income. We're very grateful that they were able to come and help. Securing the property...I wasn't informed that the doors had been kicked in. [inaudible] apparently there was an issue this time. So, with her income and the doors had to be fixed, we had already exhausted about \$400 in fixing the property, prior to her returning to the home. And then we were assessed this fee. I wrote to you when I first received this information. I apologize for not responding...I got the information and tried to be pro-active.

Moermond:

Is real estate done taking applications for disability status and elderly status? Do they still do that?

Vang:

It's gone now unless Council is OK.

Moermond:

We don't have in front of us right now the Fire Department's report on this. I think it would be good to know what their experience was with the key. Like the previous case, you are looking at the emergency call out being the biggest part of the driver. Let's find out more from the Fire Department and get that information in your hands and in my hands. The very worst thing would be that I could get this divided over five years so that it is in really small bites. Another way is the Council could put off assessing the property for five years of until point of sale and that would be an option because of her disability status. I will put this on my calendar to look at in four week's time. Hopefully we will have information ahead of time and won't need that hearing time. If we do, it's on the calendar then, May 7th.

Cox:

OK.

REC: layover to May 7

Laid Over to the Legislative Hearings due back on 5/7/2019

10:00 a.m. Hearings

- 7 RLH TA 19-139** Ratifying the Appealed Special Tax Assessment for property at 310 MARSHALL AVENUE. (File No. J1905E, Assessment No. 198304) (To be referred to Legislative Hearing on April 2)

Sponsors: Thao

Approve the assessment.

Referred to the City Council due back on 4/17/2019

- 8 RLH TA 19-138** Ratifying the Appealed Special Tax Assessment for property at 310 MARSHALL AVENUE. (File No. J1906E, Assessment No. 198305)

Sponsors: Thao

Approve the assessment.

Referred to the City Council due back on 4/17/2019

- 9 RLH TA 19-172** Ratifying the Appealed Special Tax Assessment for property at 1624 SEVENTH STREET EAST. (File No. J1914A, Assessment No. 198513)

Sponsors: Prince

Approve the assessment.

Referred to the City Council due back on 5/1/2019

10 RLH TA 19-195 Ratifying the Appealed Special Tax Assessment for property at 1431 BURR STREET. (File No. J1901V, Assessment No. 198000)

Sponsors: Brendmoen

Chase Suchomel appeared.

Paula Seeley, Staff.

..Tax Assessment Worksheet

Cost: \$440.75

Service Charge: \$162

Total Assessment: \$602.75

Gold Card Returned by: CHASE SUCHOMEL

Type of Order/Fee: VEHICLE ABATEMENT

Nuisance: FAILURE TO REMOVE ABANDONED VEHICLE

Date of Orders: 7-6-18

Compliance Date: 7-10-18

Re-Check Date: 7-13-18

Date Work Done: 7-17-18

Work Order #: WO# 8439, July 2018 UNL-563, Honda, green

Returned Mail?: NO

Comments:

History of Orders on Property: SEVERAL ORDERS ON EXTERIOR TRASH

Moermond:

We have a vehicle abatement. Ms. Seeley, would you talk about that?

Paula Seeley:

[reviews staff report above] Quite a few orders on the exterior. The vehicle that was towed lacked current license tabs and appeared inoperable.

Moermond:

We've got orders from last July and the tow occurred in September? Tell me why you are here and what you are looking for.

Chase Suchomel:

That's rental property and that's a tenant I evicted. That was a problem already, I cleaned it up, it's done, they're gone. I called Parking Enforcement to have it towed. Parking Enforcement said I wouldn't be liable for fees because it's not my car.

Moermond:

I think you have the information mixed up. If you call Parking Enforcement and have them write a citation, then you have the ability to tow the vehicle. But if the City tows the vehicle, there's a charge.

Suchomel:

Vehicles don't go to homeowners in any other city.

Moermond:

They do on private property.

Suchomel:

It's a rental property.

Moermond:

But it's private property. It's not like it came off the public street.

Suchomel:

I never got a letter on it. The tenant must have got the letter.

Moermond:

One got sent to you on Belmont Lane.

Suchomel:

I didn't get that one. This was a long time ago. Those tenants have since moved out and I got everything cleaned up. I've got \$8000 in bills and now I got another one. When they tow a vehicle, it's like \$200. Why the \$600?

Moermond:

You are also paying for storage at the Police Impound Lot for the minimum length of time they have to hold it. There's an administrative charge added on as well. Whatever they got at auction for the vehicle would be subtracted from the fee. This is an average charge for vehicle towed from private property. When did your tenants leave?

Suchomel:

Last December.

Moermond:

So there were still there when this happened.

Suchomel:

I thought the car owner would get charged for the tow. Years ago, I got towed and I got charged.

Moermond:

Where were you towed from?

Suchomel:

North St Paul.

Moermond:

Where? On the street?

Suchomel:

Yup.

Moermond:

Different deal. This is entirely on private property. Otherwise it's like you are parking behind a restaurant and it says only parking for patrons or...that's private property tows.

Suchomel:

I had another assessment I paid for trash. I was never ...[inaudible] cars. I paid \$350.

Moermond:

Was there any returned mail on this?

Seeley:

I was the inspector on this. It was a while ago. No returned mail. There was [inaudible] orders on the exterior if I remember right. Possibly could be the tenants but [inaudible]

Moermond:

So, a lot of problems with the property.

Suchomel:

There was.

Moermond:

There was this order that went out in the mail. Why did you talk to Parking Enforcement about it?

Suchomel:

This is a different one, then, I guess. That was like in October, then, I got rid of them. This is a different one. But I was never ordered on this one that's why I thought it was the one I did a few months ago.

Moermond:

The obligation of the City is to send the information to you via First Class mail at the address recorded with Ramsey County Taxation. That is the address on Belmont Lane. You are saying you didn't get it but all they have to do is mail it. It sounds like you have a lot of trouble going on at this property. It can't have been easy for the neighborhood. I am going to approve this assessment and you are welcome to go to the City Council to talk to them about it.

Suchomel:

Sounds good.

REC: approve the assessment.

Referred to the City Council due back on 5/15/2019

- 11 RLH TA 19-194** Ratifying the Appealed Special Tax Assessment for property at 612 COOK AVENUE EAST. (File No. J1901V, Assessment No. 198000)

Sponsors: Busuri

Eugene Copeland appeared.

Paula Seeley, Staff.

..Tax Assessment Worksheet

Cost: \$755

Service Charge: \$162

Total Assessment: \$917

Gold Card Returned by: EUGENE COPELAND

Type of Order/Fee: VEHICLE ABATEMENT

Nuisance: FAILURE TO REMOVE ABANDONED VEHICLE

Date of Orders: 9-18-18

Compliance Date: 9-25-18

Re-Check Date: 9-26-18

Date Work Done: 9-29-18

Work Order #: WO# 8474 September 2018- RV/White/88408

Returned Mail?: NO

Comments:

History of Orders on Property: NO

Moermond:

Good morning, Mr. Copeland. Ms. Seeley, what can you tell me?

Paula Seeley:

[reviews staff report, above] Order went to Elizabeth Ave and to the occupant on Cook Ave.

Moermond:

The orders were written on two vehicles, a Chevy van and a RV. It was the RV that got towed.

Seeley:

I'm going to look on the spreadsheet. I don't know. That is the RV.

Moermond:

So, it was the RV that got towed. Mr. Copeland, you are appealing this assessment. Can you tell me why and what you are looking for today?

Copeland:

My request to you is to delete this proposed assessment. Primarily for two reasons. There was an absence of due process in this instance. Curiously, the notice was sent on the 18th of September and that is what the date on the notice was, but I didn't get that until the 22nd of September. When you count the seven after that, you end up on this Friday. And the largest two truck I have ever seen in my alley and I've seen a fair number, lot of business for the tow guys [inaudible] love the alley in front of my place, shows up from Blaine to tow my RV. It's got a flat tire. That was on Saturday as your officer indicated. The van I gave to a friend of mine in Maplewood who was in a nursing home at the time having his second round of knee replacement. It was a handicap model van that I used to have for my wife who has since passed away. The situation with the targeted, aggressive, enforcement here concerns me because the Constitution provides that we should have an opportunity to be heard. An RV, on private property, was removed ... both the US Constitution and ...amendment...

Moermond:

Mr. Copeland, did you try to contact the inspector about the length of time?

Copeland:

I was trying to do as I did with my van. I was trying to comply with the order. I've lived in the City since 1992 in that same address. I was just not aware of the speed with which this particular event occurred. On a Saturday with two of our finest standing by. I usually call the cops on the drug dealers in my neighborhood and they ask me why I call and I say my birthday is 911 and that was before 911 in New York. I've been the guy. I was president of my district council. I was on CIB for six years. I'm going to cite the Minnesota Constitution as well that this was an unreasonable seizure. I feel like the protections under Minnesota Constitution Section 7 and 13 were not afforded to me and it is my property and in May I got a new title. The vehicle was insured. I made a good faith effort to comply with the order by removing the other vehicle. As far as the cost and what I can only see as a legal fiction, the resolution that went to the Council says "public improvement assessment roll." I was on CIB for six years and used to sidewalks, streets, and leveling assessments for taxpayers for public improvements on public property. To take private property, my RV, without any hearing

and then billing me, calling it an assessment for a public purpose, on my private property, makes no sense. Frankly, the public improvement doesn't exist. It violates the Minnesota Constitution Article 10 Section 1 where it says the Legislature may allow municipal corporations to collect local assessment for improvements upon property benefitted thereby. There's no benefit to my property; my property is gone. Section 14.01 says the assessment should not exceed the benefit to the property. This amounts to a [inaudible] forfeiture action where my property was taken except in most cases, your property is involved in some criminal activity. Mine wasn't, it was just sitting where it had been for many years. I'm reading Block's law...may include a forfeiture penalty...well, that's what happened to me. This is not an improvement, again I say. There's a recent case in Indiana and the Constitution of our country, it has been determined by the Supreme Court, unanimously, in these forfeiture cases, applies to the states. Even Thomas got on board. For different reasons. He voted well. So I feel that the protections under the 8th Amendment of our US Constitution, no excessive fines as envisioned in the Supreme Court case of Tims vs Indiana is a protection that I [inaudible] and even our own State Constitution Article 1 Section 5 excessive fines as well may be involved. So...my RV had a flat tire. The City overreached when it took the RV and I didn't have an opportunity for a hearing. Taking my property is contrary to our State and National Constitution. I feel the action was unfair. There was an unbalance of power here that was exercised by the City. Sending two officers, one guy was sitting in his car. I thought he was watching the drug house across the alley. I walked out when I saw the tow truck backing down the alley, slow, longer than my RV which is 31 feet. The guy says we are here to tow your RV. There's a disparity here and a disproportionate action by the City to take your property and then to charge you. That doesn't make sense. I'm not a rich guy. Have you even seen the little notices from the Community Action people?

Moremond:

Is there information you want to submit for the record among all those documents you are looking through? I do have people waiting.

Copeland:

\$917 is the issue in my case. That's a couple of years worth of heating assistance right here. I'm on Social Security. I've got paperwork that documents my income status.

Moermond:

I'm not asking for information. This is for you to provide whatever you want to provide. I'm not going to give you instruction about what you need to provide.

Copeland:

What I am hoping we can accomplish here is recognition of the fact that the actions of the City overreached. As a guy that was active on the East side, 17 cases, 59%, 10 out of 17, were either in Ward 6 or Ward 7. It seems the process needs some oversight. I will provide you with additional information, the case from Indiana. I won't take your time to reference what you can read for yourself. We are at a point where we gotta recognize there has been a change in the law.

Moermond:

Do you want to submit those documents and we can scan them?

Copeland:

I will sit back here and pull out the ones that I want to submit. One other item, regarding the fact that you are sending these notices out by regular post. I got a note

from the police department regarding the vehicle in the impound lot. I didn't have any money to go down there and do that. In any event, the thing was postmarked on October 2. My mailman, have the notice here, October 10th. So even certified mail is running pretty far behind. So use the certified mail and add a little time to the ability of citizens to come forward, under State statute and it's a 30 day window. And here we're working on seven days. That's pretty hard. Thank you.

Moermond:

I'm going to go ahead and take other cases while you gather your documentation.

Copeland:

Appreciate it.

[Ms. Moermond proceeds to 326 Morningside]

REC: approve and spread over 5 years.

Referred to the City Council due back on 5/15/2019

- 12 RLH TA 19-185** Ratifying the Appealed Special Tax Assessment for property at 382 FRY STREET. (File No. J1907E, Assessment No. 198307)

Sponsors: Jalali Nelson

Approve; no show.

Referred to the City Council due back on 5/15/2019

- 13 RLH TA 19-183** Ratifying the Appealed Special Tax Assessment for property at 346 FULLER AVENUE. (File No. CRT1905, Assessment No. 198204)

Sponsors: Thao

Reduce from \$399 to \$242.

Referred to the City Council due back on 4/24/2019

- 14 RLH TA 19-211** Ratifying the Appealed Special Tax Assessment for property at 1152 MARYLAND AVENUE EAST. (File No. J1907E, Assessment No. 198307)

Sponsors: Busuri

Approve the assessment.

Referred to the City Council due back on 5/15/2019

- 15 RLH TA 19-184** Ratifying the Appealed Special Tax Assessment for property at 326 MORNINGSIDE CIRCLE. (File No. CRT1907, Assessment No. 198206)

Sponsors: Prince

Approve the assessment.

Referred to the City Council due back on 5/15/2019

- 16 RLH TA 19-192** Ratifying the Appealed Special Tax Assessment for property at 827

PEDERSEN STREET. (File No. J1901V, Assessment No. 198000)

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 5/15/2019

- 17 RLH TA 19-197** Ratifying the Appealed Special Tax Assessment for property at 1084 SIMS AVENUE. (File No. J1901V, Assessment No. 198000)

Sponsors: Busuri

Recommends deleting the assessment; vehicle was towed from the street.

Referred to the City Council due back on 5/15/2019

- 18 RLH TA 19-196** Ratifying the Appealed Special Tax Assessment for property at 740 WASECA STREET. (File No. J1907E, Assessment No. 198307)

Sponsors: Noecker

Lisa Martin:

..Tax Assessment Worksheet

Cost: \$122

Service Charge: \$35

Total Assessment: \$157

Gold Card Returned by: Louis E Yanez

Type of Order/Fee: Excessive Consumption During 10/22-11/21/18

Nuisance: Failure to comply with exterior orders

Date of Orders: 11-19-18

Compliance Date:

Re-Check Date:

Date Work Done:

Work Order #: 18-110455 Inv # 1405261

Returned Mail?: No

Comments: RECOMMEND DELETION AS THIS LETTER WAS AN EXTENSION AND NOT TO GENERATE AN EC FEE.

History of Orders on Property:

Moermond:

Stepped away?

Martin:

We recommend for deletion.

Moermond:

Why?

Martin:

This was to be an extension. Before the extension letter was sent out, there was an error in putting the EC in there [inaudible]. The system billed it as an EC, it should not have been an EC. The extension was granted.

Moermond:

OK.

REC: Delete

Referred to the City Council

- 19 RLH TA 19-193** Ratifying the Appealed Special Tax Assessment for property at 1101 YORK AVENUE. (File No. J1901V, Assessment No. 198000)

Sponsors: Busuri

Approve & spread over 5 years.

Referred to the City Council due back on 5/15/2019

Special Tax Assessments - ROLLS

- 20 RLH AR 19-24** Ratifying the assessments for Boarding and/or Securing services during December 2018. (File No. J1907B, Assessment No. 198106)

Sponsors: Brendmoen

Referred to the City Council due back on 5/15/2019

- 21 RLH AR 19-25** Ratifying the assessments for Demolition services from December 2018. (File No. J1906C, Assessment No. 192005)

Sponsors: Brendmoen

Referred to the City Council due back on 5/15/2019

- 22 RLH AR 19-26** Ratifying the assessments for Demolition services from January 2019 at 547 Stinson St. (File No. J1907C, Assessment No. 192006)

Sponsors: Brendmoen

Referred to the City Council due back on 5/15/2019

- 23 RLH AR 19-27** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during October 15 to November 12, 2018. (File No. CRT1907, Assessment No. 198206)

Sponsors: Brendmoen

Referred to the City Council due back on 5/15/2019

- 24 RLH AR 19-28** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during October 22 to November 21, 2018. (File No. J1907E, Assessment No. 198307)

Sponsors: Brendmoen

Referred to the City Council due back on 5/15/2019

- 25 RLH AR 19-29** Ratifying the assessments for Towing of Abandoned Vehicle services during June to December 2018. (File No. J1901V, Assessment No. 198000)

Sponsors: Brendmoen

Referred to the City Council due back on 5/15/2019

- 26 RLH AR 19-30** Ratifying the assessments for Tree Removal services from October 2018 to January 2019. (File No. 1902T, Assessment No. 199001)

Sponsors: Brendmoen

Referred to the City Council due back on 5/15/2019

11:00 a.m. Hearings

Summary Abatement Orders

- 27 RLH SAO 19-23** Appeal of Gwynne L. Evans to a Summary Abatement Order at 1405 SUMMIT AVENUE.

Sponsors: Thao

Grant to June 14, 2019 for compliance.

Referred to the City Council due back on 4/17/2019

- 28 [RLH SAO 19-25](#)** Appeal of Dolly J. Coleman to a Summary Abatement Order at 918 EDMUND AVENUE.

Sponsors: Thao

Recommendation is forthcoming.

Laid Over to the Legislative Hearings due back on 4/16/2019

- 29 RLH SAO 19-26** Appeal of Camille Perry to a Summary Abatement Order at 71 MARYLAND AVENUE EAST.

Sponsors: Brendmoen

Grant to May 6, 2019 to comply with the Orders.

Referred to the City Council due back on 4/17/2019

Making Finding Orders

- 30 RLH SAO 19-13** Making finding on the appealed nuisance abatement ordered for 1237 ASHLAND AVENUE in Council File RLH SAO 19-9.

Sponsors: Thao

Nuisance condition is abated.

Referred to the City Council due back on 4/17/2019

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 31 [RLH VO 19-9](#) Appeal of Mark Ritter to a Correction Notice-Reinspection Complaint (which includes order to vacate) at 998 BAYARD AVENUE.

Sponsors: Noecker

Laid Over to the Legislative Hearings due back on 4/16/2019

- 32 **RLH VO 19-10** Appeal of Philip Black to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1014 EUCLID STREET.

Sponsors: Prince

Grant to May 1, 2019 to get Fire Certificate of Occupancy reinstated or the property must be vacated by June 1, 2019.

Referred to the Legislative Hearings due back on 4/17/2019

1:30 p.m. Hearings

Fire Certificates of Occupancy (NONE)

2:30 p.m. Hearings

Vacant Building Registrations

- 33 **RLH VBR 19-27** Appeal of Jeff Simek, BMS Properties, to a Vacant Building Registration Renewal Notice at 1355 CHARLES AVENUE.

Sponsors: Jalali Nelson

Waive VB fee for 90 days.

Referred to the City Council due back on 5/1/2019

- 34 **RLH VBR 19-28** Appeal of Mitch Borgen to a Vacant Building Registration Notice at 1155 MARION STREET.

Sponsors: Brendmoen

Grant 45 days to get Fire Certificate of Occupancy reinstated and waive VB fee for 60 days.

Referred to the City Council due back on 4/17/2019

**35 RLH VBR
19-29**

Appeal of Katerina Steiger to a Vacant Building Registration Notice at 1156 MARYLAND AVENUE EAST.

Sponsors: Busuri

Waive VB fee for 120 days; boarding appeal is withdrawn.

Referred to the City Council due back on 5/1/2019