



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8585

Tuesday, April 1, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments - LAID OVER

- 1 [RLH TA 13-687](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1858 GRAND AVENUE. (Public hearing continued from January 15) (Amended to File No. J1401E1, Assessment No. 148302 and to delete the assessment)

Sponsors: Tolbert

Delete the Excessive Consumption assessment and grant an extension to Nov 15, 2014 for the repairs.

RE: 1858 Grand Avenue (Single Family))

Simone Mishulovin appeared.

Ms. Moermond:

- looking for a work plan*
- complicated situation- no money; it went to a school; have exterior repairs;*

Ms. Mishulovin:

- entered a document from Brush With Kindness; will do the painting and repairs on the siding summer 2014*
- they've already done the roof (Mar 31, 2014); and might have damaged the soffit and fascia*
- a storm window in broken and screens were missing because they needed to take them out to insert the air conditioners*

Inspector Paula Seeley:

- there's an Excessive Consumption fee and a Correction Notice*
- the roof is done but they did not do the soffit and fascia*
- homeowner must exterminate the squirrels*

Ms. Moermond:

- everything is covered in the statement from Habitat*
- looks like a great work plan*
- will recommend the Excessive Consumption be deleted*
- will let Theresa Skarda, City Attorney's Office know that we have an acceptable*

work plan

- will recommend granting an extension to Nov 15, 2014 for all the repairs

Referred to the City Council due back on 4/16/2014

Special Tax Assessments

- 2 [RLH TA 14-185](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1402V, Assessment No.148001 at 1726 AMES PLACE.

Sponsors: Bostrom

Laid over to get breakdown of costs associated with the towing and impound lot fees.

RE: 1726 Ames Place (Duplex)

Annie Flomo, owner, appeared.

Inspector Paula Seeley:

- Vehicle Abatement Order sent Aug 22, 2013; compliance date Aug 30; re-checked Sep 3; Tow Order sent

- Sep 8, 2013 - 2 cars were towed for a cost of \$3,249 + \$260 service charge = \$3,529

- no returned mail

- Jul 22, 2013 - garbage Order

Ms. Moermond:

- thinks that's extremely expensive

Ms. Flomo:

- requested to see the VIDEO

Ms. Moermond:

- there are no Videos on vehicles because the police dept is present during that time so, we need to look at the police report

Ms. Flomo:

- she was in a car accident in 2008 and she suffered a brain injury; she has not been able to work for the past 5 years; then, she went to New York to see her family;

during that time, the city came and towed the cars; instead of sending out people to take care of me, they gave me this

- she has a brain injury and need medical attention

- the cars were parked in her driveway since 2008 and there was something over it; she hasn't been able to drive for almost 5 years

- she has people taking care of her

Ms. Moermond:

- the cars really should not have been there since 2008

- what she wants to know is how did we get to that huge total? It's extraordinarily high!

- also, Ms. Flomo has some extenuating circumstances

- she wants to make sure that she has good information before she makes a decision

- wants to see the costs that the SPPD incurred and wants to see the police report - Tow Report

- would like to see the spreadsheet; call the impound lot to find out the break down

- I need more information

Ms. Seeley:

- she has the spreadsheet on her computer and will take a look at it

Ms. Moermond:

- needs to look at the additional information
- will Lay this Over for 2 weeks, Apr 15, 2014
- Ms. Flomo is welcome to come back

Ms. Flomo:

- she will come back on Apr 15, 2014

Laid Over to the Legislative Hearings due back on 4/15/2014

- 3 [RLH TA 14-193](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 193 AMHERST STREET.

Sponsors: Tolbert

Delete the assessment; no proper notice or letters sent. (No hearing necessary)

Referred to the City Council due back on 5/21/2014

- 4 [RLH TA 14-200](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 981 ARMSTRONG AVENUE.

Sponsors: Thune

Delete the assessment.

RE: 981 Armstrong Avenue

Kent LaFevr appeared.

Inspector Paula Seeley:

- Snow Order sent Jan 13, 2014; compliance Jan 15; re-checked Jan 22; Work Order sent

- work done Jan 23, 2014 for a cost of \$160 + \$160 service charge = \$320

- sent to: CIG 246 LLC, 7845 Brooklyn Blvd Ste 102, Brooklyn Park, MN; and Occupant

- no mail returned

Mr. LaFevr:

- has a professional service that took care of it at least 4-5 times in Jan

VIDEO -

Ms. Moermond:

- Order issued Jan 13 (dusting, maybe an inch or so)

- big snows fell Jan 14 and 18

- when the work crew showed up on Jan 23, it was different snow from what the Order was issued for

- will recommend deleting this assessment

Referred to the City Council due back on 5/21/2014

- 5 [RLH TA 14-210](#) Ratifying the Appealed Special Tax Assessment for Real Estate

Project No. J1407A, Assessment No. 148517 at 1017 ARMSTRONG AVENUE.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

- 6 [RLH TA 14-206](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1407 Assessment No. 148806 at 672 ASBURY STREET.

Sponsors: Stark

STAFF REPORT: Need to pro-rate fee. (was not discussed at hearing)

Laid Over to the Legislative Hearings due back on 4/15/2014

- 7 [RLH TA 14-177](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No.148517 at 583 ASHLAND AVENUE.

Sponsors: Thao

Delete the assessment.

RE: 583 Ashland Avenue (Duplex)

John Wright, owner, appeared.

Inspector Paula Seeley:

- snow order went out Jan 14, 2014; compliance date Jan 16; re-inspected Jan 22; Work Order sent*
- work done Jan 23 for a cost of \$40 + \$160 service charge = \$200*
- no returned mail*
- when the initial cost is only \$40, the city just does salting and sanding*

Mr. Wright:

- it's rental property*
- he wasn't there to see what the city did*
- the tenants indicated that they had shoveled the walk*
- there may have been a freeze/thaw between the time that it was initially inspected and the second time; and there was some ice there, too and the city came out and put on salt and sand*

VIDEO - salt and sand

Ms. Moermond:

- saw a pretty well cleaned-off sidewalk with some ice and snow kind of packed down*
- looked like a big snow blower had gone through and taken off most of the snow*
- the walk up to the house was taken care of which tells her that the tenants are taking care of the property*
- will recommend deleting the assessment*

Referred to the City Council due back on 5/21/2014

- 8 [RLH TA 14-220](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 327 AURORA AVENUE.

Sponsors: Thao

Delete the assessment.

RE: 327 Aurora Avenue (Duplex)

A woman appeared; didn't get her name.

Appellant:

- they received a Notice on Sat, Jan 11, 2014; she had gone out to talk to the tenant who were removing snow on Fri (doing half of the steps)*
- were trying to address the issue*
- the tenant has done the snow removal all winter long*
- I have documented the snow falls*
- ice melt just didn't work; it was too cold*

Inspector Paula Seeley:

- Snow Order sent Jan 8, 2014; compliance date: Jan 12; re-checked Jan 13; Work Order sent*
- work done Jan 16 for a cost of \$160 + \$160 service charge = \$320*
- no returned mail*
- no history*
- Inspector Essling's notes: compacted snow and ice; photo on Jan 14*

Appellant:

- it continued to snow Jan 13 and Jan 14*
- mostly accumulation of snow and ice; snow melt didn't work*
- the tenants in 329 have been great tenants and have kept up with the snow most of the time*

Ms. Moermond:

- more snow falls Jan 13 and Jan 14; crew came Jan 16*
- will recommend this assessment be deleted*

Referred to the City Council due back on 5/21/2014

- 9 [RLH TA 14-221](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1407, Assessment No. 148806 at 630 AURORA AVENUE.

Sponsors: Thao

Laid over to 2:30 p.m.

RE: 630 Aurora Avenue (Single Family)

Chad Lemmons appeared on behalf of the estate of Myron Barnett, Sr.

Inspector Paula Seeley:

- Vacant Building fee and 2 Summary Abatement Orders for snow & ice*
- no code compliance inspection report*

Mr. Lemmons:

- Myron Barnett, Sr, died in Jun of 2011; he left 2 heirs: 1) Myron Barnett, Jr.; and 2)*

Michael Barnett

- Myron Barnett, Jr. is the one who receives the most; he lives in Massachusetts and has for the last few years; he is named the representative in the will, also
- Michael Barnett is deployed in Germany and has been for at least 3 years

Ms. Seeley:

- Nov 12, 2013 - it went into the VB Program
- Feb 2, 2013 - a warning letter was sent
- Dec 13, 2013 - renewal VB fee due
- there a 2 pending assessments for snow removal
- Inspector Kalas on May 27, 2014: house and garage open to entry; called Respro to secure

Mr. Lemmons:

- the problem: at the time of Myron Sr's death, a girlfriend of Mr. Barnett Sr was living in the property; she claimed that he had granted her a life estate but there's nothing in the record at the court house, however
- another attorney brought an unlawful detainer action in 2012 and the Barnett's lost; the defendent was the girlfriend - she won; looking into it more, he found out that the Barnetts lost because they were not the proper party as the plaintiffs because they hadn't probated the estate, which is incorrect but that happened
- there was still this outstanding thing of who had rights to the property
- Mar 10, 2014, he was retained to probate the estate of Myron Barnett Sr; he sent the forms out to Myron Jr on Mar 20, 2014, since he's the nominated representative; Mr. Lemmons hasn't yet received back the forms; he will follow up with Myron Jr today
- for some strange reason, the prior attorney filed the will with Probate Court but filed no other applications and Mr. Lemmons can't get an explanation on why he did that
- it is his understanding that Michael Barnett is really his client- he is paying the bills
- he understands that once the property is probated and get Myron Barnett Jr. appointed as representative of the estate, he will then proceed to sell the property
- under the law, they need to get this filed with the court by Jun 2014 because the 3-year period of probate will run out at the end of the year
- Myron Jr was under the assumption that this X-girlfriend was still living at the property so, he wasn't aware that it was vacant
- there is still a title issue with her because that was never resolved
- he understands how VBs work and he is willing to cooperate with the city to get this straightened out; it will probably take about 20 days to get Myron Jr appointed and once he is appointed, he can't deal with real estate for 30 days; if he gets the paperwork back to Mr. Lemmons by the end of this week, and Mr. Lemmons files with the court immediately, he could probably be able to deal with the property in mid-May 2014
- at that point, his recommendation would be to immediately list the property for sale
- is still concerned about the title with her (could take 60 days)

Ms. Moermond:

- looks like this won't be out of the VB Program until mid-late fall

Mr. Lemmons:

- will talk with Myron Jr; it may make sense to put money into the house - deal with all the issues and then sell the house

Ms. Seeley:

- it was Condemned for water shut off on Nov 12, 2013 (Category 2)
- this was in the Certificate of Occupancy Program
- Aug 2009 - Fire inspection staff was out there - 3 things on list

Mr. Lemmons:

- asked that this be continued for 30 days while he gets a hold of both Barnetts and explains this to them so they can do what's necessary
- he will go out and look at the property himself to verify everything
- by then, he should at least have filed with Probate Court

Ms. Moermond:

- looks like fire inspectors were there 5 years ago and there wasn't must on the list but a lot has happened since then
- water shut-off is not the worst
- we don't know what the building is like inside and a full Code Compliance Inspection could be more than what's needed; getting a Fire C of O re-instated may be a better way to go
- renting may be a way to earn money before the sale
- let's see what Mr. Lemmons can come up with in 2 weeks at 2:30 (Apr 15, 2014)
- we can talk about this with the VB inspectors at that time

SNOW AND ICE---

Ms. Seeley:

- Dec 12, 2013 - snow letter went out; compliance date Dec 15; re-checked Dec 17
- Work Order sent; work done Dec 19, 2013 for a cost of \$160 + \$160 service charge = \$320
- another snow letter went out Jan 23, 2014; compliance date Jan 25; sent another Work Order on Feb 13, 2014; work done Feb 19, 2014

Ms. Moermond:

- a letter went out Jan 23 but the crew didn't show up until Feb 19, 2014?
- will recommend deleting the snow/ice removal assessment issued Jan 23 and not done until Feb 19, 2014

Ms. Seeley:

- we don't have the VIDEO for Dec 19, 2013

Ms. Moermond:

- give the VIDEO for Dec 19, 2013 to Matt Dornfeld for 2 weeks from now, Apr 15, 2014
- we'll talk about the VB also at that time; get a report from Mr. Lemmons

Laid Over to the Legislative Hearings due back on 4/15/2014

10 [RLH TA 14-227](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1406A, Assessment No. 148505 at 630 AURORA AVENUE.

Sponsors: Thao

Laid over to 4/15 LH at 2:30 p.m.

RE: 630 Aurora Avenue (Single Family)

Chad Lemmons appeared on behalf of the estate of Myron Barnett, Sr.

Inspector Paula Seeley:

- Vacant Building fee and 2 Summary Abatement Orders for snow & ice
- no code compliance inspection report

Mr. Lemmons:

- Myron Barnett, Sr, died in Jun of 2011; he left 2 heirs: 1) Myron Barnett, Jr.; and 2) Michael Barnett
- Myron Barnett, Jr. is the one who receives the most; he lives in Massachusetts and has for the last few years; he is named the representative in the will, also
- Michael Barnett is deployed in Germany and has been for at least 3 years

Ms. Seeley:

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- there a 2 pending assessments for snow removal
- Inspector Kalas on May 27, 2014: house and garage open to entry; called Respro to secure

Mr. Lemmons:

- the problem: at the time of Myron Sr's death, a girlfriend of Mr. Barnett Sr was living in the property; she claimed that he had granted her a life estate but there's nothing in the record at the court house, however
- another attorney brought an unlawful detainer action in 2012 and the Barnett's lost; the defendent was the girlfriend - she won; looking into it more, he found out that the Barnetts lost because they were not the proper party as the plaintiffs because they hadn't probated the estate, which is incorrect but that happened
- there was still this outstanding thing of who had rights to the property
- Mar 10, 2014, he was retained to probate the estate of Myron Barnett Sr; he sent the forms out to Myron Jr on Mar 20, 2014, since he's the nominated representative; Mr. Lemmons hasn't yet received back the forms; he will follow up with Myron Jr today
- for some strange reason, the prior attorney filed the will with Probate Court but filed no other applications and Mr. Lemmons can't get an explanation on why he did that
- it is his understanding that Michael Barnett is really his client- he is paying the bills
- he understands that once the property is probated and get Myron Barnett Jr. appointed as representative of the estate, he will then proceed to sell the property
- under the law, they need to get this filed with the court by Jun 2014 because the 3-year period of probate will run out at the end of the year
- Myron Jr was under the assumption that this X-girlfriend was still living at the property so, he wasn't aware that it was vacant
- there is still a title issue with her because that was never resolved
- he understands how VBs work and he is willing to cooperate with the city to get this straightened out; it will probably take about 20 days to get Myron Jr appointed and once he is appointed, he can't deal with real estate for 30 days; if he gets the paperwork back to Mr. Lemmons by the end of this week, and Mr. Lemmons files with the court immediately, he could probably be able to deal with the property in mid-May 2014
- at that point, his recommendation would be to immediately list the property for sale
- is still concerned about the title with her (could take 60 days)

Ms. Moermond:

- looks like this won't be out of the VB Program until mid-late fall

Mr. Lemmons:

- will talk with Myron Jr; it may make sense to put money into the house - deal with all the issues and then sell the house

Ms. Seeley:

- it was Condemned for water shut off on Nov 12, 2013 (Category 2)
- this was in the Certificate of Occupancy Program
- Aug 2009 - Fire inspection staff was out there - 3 things on list

Mr. Lemmons:

- asked that this be continued for 30 days while he gets a hold of both Barnetts and explains this to them so they can do what's necessary
- he will go out and look at the property himself to verify everything
- by then, he should at least have filed with Probate Court

Ms. Moermond:

- looks like fire inspectors were there 5 years ago and there wasn't must on the list but a lot has happened since then
- water shut-off is not the worst
- we don't know what the building is like inside and a full Code Compliance Inspection could be more than what's needed; getting a Fire C of O re-instated may be a better way to go
- renting may be a way to earn money before the sale
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SNOW AND ICE---

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Ms. Moermond:

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- will recommend deleting the snow/ice removal assessment issued Jan 23 and not done until Feb 19, 2014

Ms. Seeley:

- we don't have the VIDEO for Dec 19, 2013

Ms. Moermond:

- give the VIDEO for Dec 19, 2013 to Matt Dornfeld for 2 weeks from now, Apr 15, 2014
- we'll talk about the VB also at that time; get a report from Mr. Lemmons

Referred to the City Council due back on 4/16/2014

11 [RLH TA 14-194](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1406G, Assessment No. 148705 at 2160 BEECH STREET.

Sponsors: Lantry

Delete the assessment.

RE: 2160 Beech Street (Single Family)

Nyee Peon, owner, appeared.

Inspector Paula Seeley:

- 2 assessments: provide garbage hauling service; and 2) Summary Abatement Order (done by owner)
- Orders sent for garbage service Nov 19, 2013; compliance date Nov 25; re-checked Nov 25; city container was put out
- cost: \$200 + \$40 Service Charge = \$240 for 4 weeks of garbage service
- comments: orders were issued in conjunction with a Summary Abatement Order on Nov 19, 2013; the clean-up was done by owner. Parks dropped a container on Nov 27, 2013 to begin weekly garbage service; assessment was a \$50 drop off fee and \$50 for weekly service and \$160 admin fee for a total of \$260; service did not end until Jan 3, 2014
- an additional assessment will be coming forward
- orders were sent to Debra A and Willie O Smith, 2160 Beech St, previous owners; and to the Occupant
- no returned mail
- Jan 2, 2014, service with Walters is current; pick up is Wed
- will email the city to remove their container

Mr. Peon:

- I'm a new homeowner on that house-bought house Nov 8, 2013
- the previous owner took away the garbage service
- he hasn't moved in yet; they have to fix a lot
- they don't need garbage service yet

Ms. Moermond:

- the Orders went to the previous owner during Mr. Peon's period of ownership, which means they will be deleted for both the Summary Abatement Order and the garbage hauling service
- there's a forthcoming one on garbage hauling service incurred during Dec 2013 and that will also be a deletion
- will recommend both assessments be deleted

Referred to the City Council due back on 4/16/2014

12 [RLH TA 14-196](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1407G, Assessment No. 148706 at 2160 BEECH STREET.

Sponsors: Lantry

Delete the assessment.

RE: 2160 Beech Street (Single Family)

Nyee Peon, owner, appeared.

Inspector Paula Seeley:

- 2 assessments: provide garbage hauling service; and 2) Summary Abatement Order (done by owner)
- Orders sent for garbage service Nov 19, 2013; compliance date Nov 25; re-checked Nov 25; city container was put out
- cost: \$200 + \$40 Service Charge = \$240 for 4 weeks of garbage service
- comments: orders were issued in conjunction with a Summary Abatement Order on Nov 19, 2013; the clean-up was done by owner. Parks dropped a container on Nov 27, 2013 to begin weekly garbage service; assessment was a \$50 drop off fee and \$50 for weekly service and \$160 admin fee for a total of \$260; service did not end until Jan 3, 2014
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- orders were sent to Debra A and Willie O Smith, 2160 Beech St, previous owners;

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Mr. Peon:

- I'm a new homeowner on that house-bought house Nov 8, 2013
 - the previous owner took away the garbage service
 - he hasn't moved in yet; they have to fix a lot
 - they don't need garbage service yet

Ms. Moermond:

- the Orders went to the previous owner during Mr. Peon's period of ownership, which means they will be deleted for both the Summary Abatement Order and the garbage hauling service
 - there's a forthcoming one on garbage hauling service incurred during Dec 2013 and that will also be a deletion
 - will recommend both assessments be deleted

Referred to the City Council due back on 5/21/2014

13 [RLH TA 14-211](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 796 CHARLES AVENUE.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

14 [RLH TA 14-175](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1402V, Assessment No. 148001 at 1597 CLEAR AVENUE.

Sponsors: Bostrom

Laid over to get breakdown costs of impound lot fee and towing fee.

RE: 1597 CLear Avenue (Single Family)

Khue Vang, owner, appeared.

Mai Vang interprets.

Inspector Paula Seeley:

- Vehicle Abatement Order sent Nov 13, 2013; compliance date: Nov 19; rechecked Nov 19

- Tow Order sent; police towed Nov 27, 2013 for a cost of \$374.50 + \$160 service charge = \$534.50

- no returned mail

- sent to Khue Vang and Kia Moua, 1597 Clear Ave

- notes: vehicle (Camry) appears inoperable and has expired tabs (Jan 2011)

- notes Nov 19: vehicle still has expired tabs; it's lifted up on a piece of wood; need to have vehicle towed

- photos

Mr. Vang:

- there was something wrong with the engine at the time and a tire was flat
- he had the tabs but hadn't yet put them on
- he didn't know why it was towed
- he hasn't gotten the car back from the impound lot; he went to the impound lot but it's been sitting there too long and is too expensive to get it back; he had no idea who took the car; they told him that the car would go to auction

Ms. Moermond:

- would like to ask SPPD if that auction already occurred (records don't say)
- what troubles here is the length of time from when it was towed from his property to when the auction occurred; if the costs were that high, that would be less his fault; she's looking at a Toyota Camry that appears to be in very good shape; it probably got a fair bid at auction which is what decreased his total assessment but she would really like to know more about what was going on

Mr. Vang:

- the car was driveable up to the point when the engine went out
- all the costs kept adding up to where it was too much for them to pay

Ms. Moermond:

- will not make a decision yet today; wants to find out more information
- it appears that the wrong spread sheet was attached to this record; this one is for Dec 2012, we need the one for Nov 2013; let's get the spread sheet for the time period we're talking about here - Police Tow Work Orders; that will give her the cost breakdown she is looking for
- Lay over for 2 weeks from now, Apr 15, 2013

Laid Over to the Legislative Hearings due back on 4/15/2014

- 15 [RLH TA 14-181](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 507 COMO AVENUE.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

- 16 [RLH TA 14-178](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 1456 CONWAY STREET.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

- 17 [RLH TA 14-197](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1406G, Assessment No. 148705 at 600 COOK AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 4/16/2014

- 18 [RLH TA 14-198](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407G, Assessment No. 148706 at 600 COOK AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

- 19 [RLH TA 14-191](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 936 FARRINGTON STREET.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

- 21 **RLH TA 14-212** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 2257 FREMONT AVENUE.

Sponsors: Lantry

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 4/15/2014

- 22 [RLH TA 14-203](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 701 GERANIUM AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

- 23 [RLH TA 14-195](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 447 JENKS AVENUE/993 BURR STREET.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

- 24 [RLH TA 14-182](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 614 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 4/15/2014

- 25 RLH TA 14-183** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1406G, Assessment No.148705 at 614 JESSAMINE AVENUE EAST. (To be amended April 16, 2014) (To be laid over to May 6 Legislative Hearing and May 21 City Council Public Hearing)

Sponsors: Bostrom

Rescheduled to April 15. Recommendation forthcoming.

Referred to the City Council due back on 4/16/2014

- 26 [RLH TA 14-209](#)** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 969 JUNO AVENUE.

Sponsors: Thune

Delete the assessment; work order was done before compliance date. (No hearing necessary)

Referred to the City Council due back on 5/21/2014

- 27 RLH TA 14-205** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 1698 LAFOND AVENUE.

Sponsors: Stark

*Approve the snow/ice removal assessment.
Layover the clean up assessment for 2 weeks.*

RE: 1698 Lafond Avenue (Single Family)

Richard Ayd, owner, appeared.

Inspector Joe Yannarely:

- this is a Vacant Building with a couple of Work Orders on it
- snow and ice removal and a Summary Abatement for garbage and rubbish
- Snow/ice letter sent Jan 23, 2014; compliance date Jan 25; re-checked Jan 27; work done Jan 28, 2014
- Summary Abatement issued Nov 25, 2013; compliance date Dec 2, 2013 for garbage removal; re-checked Dec 20; work done Jan 2, 2014
- notes from Inspector Dornfeld attached
- long history on the property including currently, illegal occupancy
- went into Vacant Building Program Feb 2, 2011

Ms. Moermond:

- short turn around for snow/ice
- SA - a 5-week delay

Mr. Ayd:

- he has had a right hip replacement making it difficult for him to shovel over 1 foot of

snow; it's difficult for him to lift and twist;

- does not have a snow blower
- his house is on the corner of Lafond and Aldine; Aldine is a very long stretch of sidewalk
- he lives alone and doesn't have any one to assist him
- became unemployed in 2008 and fell into a deep depression
- he has worked with both Mr. Yannarely and Ms. Seeley
- he was taken to Regions for suicide and went through a 90-day treatment program at Canary Options on Rice St; from there he lived at Mary Hall Homeless Shelter, Catholic Charities for over 1 year
- he submitted himself to the program, Hoarders, who came out and completely emptied his house; after the house was emptied, he hired Snelling Companies to come out; they installed a new hot water heater, a new furnace, updated the electrical, put in new lighting fixtures in the kitchen and bathroom; he hired Tschida Bros Plumbing - they put in a new bathroom: toilet, sink, re-did the plumbing; put in an additional floor drain in the basement
- he has gas, water and electric
- he keeps his thermostat set at 63 degrees all winter and used additional space heaters for heating his bedroom
- when he went into Regions, his dogs were taken to Animal Control and he did not get his dogs back
- the back steps to his house have been re-built
- he has a new kitchen floor, ceiling, done by independent contractor, who was not able to pull a permit for that
- from what he understands, there should have been permits pulled from Snelling Companies to do all of the electrical and heating; and Tschida Bros Plumbing to do all the plumbing work
- the major things have all been accomplished
- he hired 2 women, Shelly Contractors, to whom he paid \$5,000 and they were supposed to paint every room - walls and ceiling; they did only the kitchen and dining room; after that they said that their time was up and they would not come back unless he paid them more money (all that's left on the code compliance inspection report-the painting projects); he is working with Margaret Kane Law Firm to go after the Shellys for taking his money and not completing the work; he has a contract with them to paint every room on the main floor - ceiling and walls
- he didn't live at this property for 2 years and during that time, he also wasn't receiving his mail

VIDEO of clean-up or tree branches Jan 2, 2014 SW corner of property off the alley; piled brush on driveway/blvd

VIDEO of snow removal and salt & sand Jan 28, 2014

Ms. Moermond:

- the city has been out there time and again - dozens of time

Mr. Ayd:

- storm last summer: all the branches came down; everyone was told to put all of the branches up on the blvd and because he doesn't use his driveway or the garage, he piled all the branches in his driveway but the city never came in the summer to pick them up

Ms. Moermond:

- what about when you got the Order dated Nov 25, 2013?

- the work wasn't done for a full 5 weeks between the issuance of the Order and the clean-up

- wondering why Mr. Ayd didn't address this

Mr. Ayd:

- he went out and talked to the guys while they were picking up the branches and told them that he didn't want that work to be charged to him because it should have been picked up last summer by the city after the storm as he was told to do by the city
- homeowners were informed to put their branches out onto the blvd after the storm; his were on the apron of the unpaved driveway so that it wouldn't kill the grass on the blvd

Viewed VIDEO of clean-up again to see where the branches were located

- his long term plan is to get his money back from the Shelly's and hire someone to complete the painting or have the Shelly's finish
- all of the other major work is done

Ms. Moermond:

- so, why hasn't a code compliance certificate been issued?

Inspector Scott St. Martin:

- does know there was a piece put in the daily paper from the city about storm branch pick-up (double-checked to find the article and also to find out whether residents needed to call Public Works about it)

Ms. Moermond:

- let's get that other information
- will LAY the clean-up assessment OVER for 2 weeks; is looking only to decrease the amount, not deleting it; he was given an Order with more than enough time to respond to it
- will recommend approval of the snow/ice removal

Mr. St. Martin:

- from Pioneer Press: St. Paul residents, Jun 22, 2013: Call St. Paul Forestry Hotline to get tree debris downed by the recent storm hauled away; they do, however, have to have those fallen branches carted to the curb by Fri; pick up will occur in about two weeks after that.

Ms. Moermond:

- I need to hear a little bit more about what was going on
- will lay this over for 2 weeks and then make my decision
- Mr. Ayd is welcome to come back or she can email him

Mr. Ayd:

- he will come back in 2 weeks.

Laid Over to the Legislative Hearings due back on 4/15/2014

28 [RLH TA 14-186](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 616 LEXINGTON PARKWAY NORTH.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

- 29 [RLH TA 14-190](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 748 LINWOOD AVENUE.

Sponsors: Thune

Delete the assessment.

RE: 748 Linwood Avenue (Single Family)

Mary Hardy, Real Estate Agent, appeared on behalf of Shoshana and David Falconer, who are out of the country today.

Inspector Paula Seeley:

- snow Order sent Jan 10, 2014; compliance date of Jan 13; re-checked Jan 22
- Work Order sent; work done Jan 23, 2014 for a cost of \$160 + \$160 service charge = \$320
- sent to David Falconer, 24896 Baylor St NE, Stacy MN and Occupant
- no returned mail
- comments: appears snow had not been shoveled for some time
- has photos

VIDEO - removed snow, salt and sanded

Ms. Hardy:

- the Falconers have a service who maintains the property
- has had the house listed since Fall 2013 and recommended that they hired a snow removal service because they are not living in the house currently
- they asked her to check the property frequently, which she has been doing
- it's an unusual property because the sidewalk is on another street with a tunnel
- they had a letter from the snow removal company; she entered into record
- she entered also their automatic payment plan
- they are very diligent people and she's not sure if they just missed it that one time or what
- they are a retired couple, who spends a lot of time out of the country
- she can guarantee that the service has been coming out; she lives just a block away

Ms. Moermond:

- she is checking when the snow accumulated
- Order issued Jan 10, 2014; so, presumably there was some snow accumulation on that day; had a snow fall on Christmas Eve from the looks of it and then there were some dustings, perhaps; but the crew didn't show up until Jan 23, 2014 and it snowed Jan 14 and Jan 18 (4 inches and 4.5 inches); so, it was that that was actually being shoveled
- the snowfall for which the Orders were issued had been taken care of; it's different snowfall in the VIDEO taken on Jan 23, 2014
- thinks the service needs to provide some refund
- different snow from what Orders indicated
- will recommend that this assessment be deleted

Referred to the City Council due back on 5/21/2014

- 30 [RLH TA 14-180](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 716 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Approve the assessment.

RE: 716 Magnolia Avenue East (Duplex)

Philip Black, Town Development LLC, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Jan 23; compliance date Jan 28; re-checked Jan 28; Work Order sent
- work done Jan 29, 2014 for a cost of \$288 + \$160 service charge = \$448
- sent to Kirk and Roxanne Bluhm, 16214 345th St, Center City, MN; Town Development LLC, 1360 University Ave W, Ste 104-301, St. Paul, MN; and Occupant
- no returned mail
- in bold letters: remove all bags of garbage, overflowing garbage containers, all furniture and misc. items from rear yard

Mr. Black:

- he, personally, was there for the clean-up
- he has asked his tenants not to smoke in the house and 1 of his tenants is actually listening to him and has put a smoking chair on the back porch; and that was the only thing that was taken from the property; he would like to have the smoking chair back

VIDEO - removal

Ms. Moermond:

- the stuff that was piled up against the garage wasn't in the VIDEO (had been picked up)
- Order also talks about all bags of garbage, overflowing containers and all furniture

Mr. Black:

- the garbage containers were just packed full ready to be picked up and there wasn't anything on the ground
- that furniture was the tenants and they use it

Ms. Seeley:

- the chair can't be outside

Mr. Black:

- why does the city steal our stuff; the city stole from my own property, too; that gets real frustrating
- you can't have a chair on the back porch?

Ms. Moermond:

- it's noted in the Orders; you didn't take care of it; you could have moved it into the garage
- you could have called the inspector

Mr. Black:

- he got the Notice secondhand and he went over there to take a look; he looked around and he made sure all the garbage was in the containers; he saw the chair on the porch - their smoking chair - and didn't think that was the furniture the Order was talking about
- he thought that "overflowing" garbage meant garbage on the ground; this was in the container

Ms. Moermond:

- when she sees containers that full, she thinks that the property management company hasn't provided enough garbage service
- the Ordinance says "tight fitting covers"

Mr. Black:

- there was no garbage on the ground; it wasn't messy
- there's nothing messy around this property and yet ...
- he did take care of it; it was cleaned up
- there was no furniture in the yard; it was on the back porch
- he thought it was a common sense thing - the nuisance was removed; he cleaned up the garbage and anything that was not being used
- he didn't know that you can't have a chair on the porch
- and he didn't know that you can't have a little bit of garbage sticking out of the container... and the hauler was coming to get it

Ms. Moermond:

- the only thing that she saw that was addressed was the misc items from the rear yard
- thinks that Mr. Black's standard are different from the city's
- will recommend approval of this assessment

Referred to the City Council due back on 5/21/2014

31 [RLH TA 14-218](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 105 MANITOBA AVENUE.

Sponsors: Brendmoen

Reduce the assessment from \$320.00 to \$280.00.

RE: 105 Manitoba Avenue (Single Family)

Ray Vang, tax owner, appeared.

Inspector Paula Seeley:

- Snow Orders went out Jan 8, 2014; compliance date Jan 10; re-checked Jan 17; Work Order sent
- work done: Jan 23, 2014 for a cost of \$160 + \$160 service charge = \$320
- sent to State of Minnesota Trust Exempt; Raymond Vang and Mai Yang, 4130 Scheuneman Rd, White Bear Lake, MN; and Occupant
- no returned mail
- no VIDEO
- photo taken Jan 21, 2014
- vacant lot

Mr. Vang:

- bought the vacant lot Jul 2013
- it hadn't been taken care of before that
- the neighbor also throws things onto the lot

Ms. Moermond:

- looks like a narrow path had been shoveled and snow dusted over
- shoveled down the middle, only
- had a couple of large snow falls; crew showed up much later
- will recommend reducing the assessment from \$320 to \$280

Referred to the City Council due back on 5/21/2014

- 32 RLH TA 14-222 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1402V, Assessment No. 148001 at 1203 MARYLAND AVENUE EAST.

Sponsors: Bostrom

4/1/14: Attorney, Andrew Larson-Wille, emailed stating he has a conflicting hearing in Washington and would like to reschedule. File rescheduled to May 6 - advised Mr. Larson that this would be the last rescheduling before Council.

RE: 1203 Maryland Avenue East (Single Family)

Heidi Schmidt, owner, appeared.

Inspector Paula Seeley:
- Vehicle Abatement Order
- Ms. Schmidt is a new owner
- has an on-going file

Ms. Schmidt:
- previous owner had a lot of violations
- took possession last week of Nov 21, 2013 and move in the week before Christmas because there was an RV parked in the backyard so, she couldn't get furniture into the house; and garbage everywhere; the previous owner had 3 extra days to remove the RV but he did not remove it and there is still garbage back there; she also gave him 72 additional hours to remove the stuff but there is still stuff in the garage, as well and furniture in the back porch

Ms. Seeley:
- abatement order sent Jul 10, 2013; compliance date Jul 16, 2013; re-checked Jul 16
- towed brown Ford Jul 19, 2014 for a cost of \$1,276.28 + \$280 service charge = \$1,556.28
- has the police work order; doesn't have a break down of costs
- Sep 16, 2013 - someone updated Heidi's name on the property; previously, the Orders had been going to Glen Keith
- the brown Ford truck was full of garbage and inoperable; yard was also full of junk
- the neighbors were furious about the RV and the junk cars, etc.

Ms. Schmidt:
- she just wants to live in her home; wants a quiet life
- she is a combat Vet and has PTSD and she wants to be left alone
- she had to take a whole off from the VA to be here today
- she is going to send Mr. Keith a bill for all of this; it's not fair that she should have to account for his vehicles; she doesn't own the vehicles
- when she got this letter, she was furious!
- there's 9 violations on the website going back to Mar 2013 with 9 visits; 4 vehicles and an RV that still was there and taken
- she offered to take possession of that RV and fix it up and give it to a homeless Vet but he didn't want anything to do with that; he had plans for the future with this RV; she was getting ready to tow the RV herself; finally, he hired his realtor to come and move it

Ms. Moermond:

- it looks like the city came and moved the RV

Ms. Seeley:

- issued an Excessive Consumption 5 times on this property; all must have been levied

Ms. Schmidt:

- the assessments for sidewalk are legitimate but the vehicle violations are not hers and she doesn't feel that she should be responsible for them

Ms. Moermond:

- she understands; however, the cost for removing the vehicles is attached to the property, not to the person who owns the vehicles; that should have been handled in the closing as a pending assessment

- she needs to know when the SPPD actually took care of this because the Orders were sent out Jul 10, 2013; doesn't know why we are still dealing with this in Nov (it doesn't make sense to her)

Ms. Schmidt:

- they did an assessment search before they closed the title and he agreed to pay all previous fees, including the property tax - everything is in the contract; that makes him legally responsible for this; it's not her fault or responsibility; it should not fall on her

Ms. Moermond:

- under state law, he is required to disclose to the buyer the pending assessments and existing Orders on the property (this would fall into that category, at the very least)

- needs to find out more details about this; she will share that with Ms. Schmidt and that may help her get this money back

- this assessment will be on next years property taxes, payable for 2015 tax bill

- first, if this goes through as is, the City Council will have a Public Hearing May 21, 2014 and within 1 or 2 weeks from then, a bill will arrive from the city's real estate office, which Ms. Schmidt can pay at that time or let it go to taxes for the following year

- the assessment is connected to the property

- sounds as though Mr. Keith is liable for the assessment and your realtor should be working with you to get that money right away

- we'll get you a lot more information to handle this situation

Ms. Schmidt:

- do you think that's a good law for people like me, working, a combat veteran, to have to come home and deal with something like this? Do you think that's a good law to put that on the next person?

- that's just not fair!

Ms. Moermond:

- the law is - you buy the property; you buy it's debt

Ms. Schmidt:

- that's a shame, really! She feels that's an indignity to her as a working citizen of this city

- so what do I do? Do I send him a bill? Do I get an attorney? Do I appear on the 21st

Ms. Moermond:

- she will get some additional information in 2 weeks; can email it to her or she can come down
- she can't give her legal advice
- there was a professional realtor involved who can help with a situation like this, and should not cost you anything
- after that, she would suggest Ms. Schmidt seek professional legal and financial advice
- Ms. Schmidt can write a letter on her own, also; can go to small claims court; many options
- hopefully, we can get the bill paid by the responsible party, not by Ms. Schmidt

Laid Over to the Legislative Hearings due back on 5/6/2014

- 33** [RLH TA 14-201](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 1623 MAYWOOD STREET.
- Sponsors:** Brendmoen
- Approve the assessment. Owner sent in appeal letter.*
- Referred to the City Council due back on 5/21/2014**
- 34** [RLH TA 14-188](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 1939 MINNEHAHA AVENUE WEST.
- Sponsors:** Stark
- No show; approve the assessment.*
- Referred to the City Council due back on 5/21/2014**
- 35** [RLH TA 14-207](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1407, Assessment No. 148806 at 541 OHIO STREET. (To be laid over to September 3, 2014)
- Sponsors:** Thune
- Continue the public hearing to September 3, 2014. (If owner receives code compliance will reduce 1/4 of the fees and divide over 5 years.)*
- 541 Ohio Street (Commercial)*
- Joseph Barnes appeared.*
- Inspector Joe Yannarely:*
- Vacant Building registration fee
 - Category 2 Commercial VB; file opened Oct 19, 2012
 - there are no real issues
 - team inspection was done recently
 - numerous permits have been pulled
- Mr. Barnes:*
- appealing because it's a pretty hefty fee
 - he already has put tens of thousands of dollars into it and is still a long ways out

- he thought he was going to be done before this past winter; now, he's just hoping to get done before next winter
- the building used to be a bakery and he wants to make it into a plumbing shop for himself; he found out that he couldn't just make it into a home office away from home; he needed to bring it up to ADA standards because it's a commercial building; so, he's had to try to figure out how to do all that
- another thing: it's too big of a space for him alone, so, he is hoping for a possible rental opportunity, which also makes his situation so difficult
- beside the exterior being in bad shape plus other things, he is running into it being a very slow process
- another thing: he misunderstood what it takes to get off the VB list; he thought that he would have a list of whatever needed to be fixed from the different trades and then he'd pull a permit for the everything; the plumbing inspector said that he couldn't be taken off the VB list until all the permits are cleared (and he pulled a permit for everything); so, he has to finish the building before he can get off the VB list

Ms. Moermond:

- yes, you do
- this particular VB fee applies to the time period of Oct 2013 - Oct 2014
- she hears that Mr. Barnes is hopeful that he can be done by Oct 2014
- because he will be in the VB Program for the entire year, she would not be able to get rid of the VB fee
- she would be able to divide the payments over 5 years
- however, if he can finish during the summer, she could knock off a quarter of the fee and divide it over 5 years

Mr. Barnes:

- he understood that the VB Program was out there for people who aren't taking care of their property; who aren't trying to improve the neighborhood, etc. so, he didn't expect this

Ms. Moermond:

- the city takes the cost of running the entire VB Program and divides it evenly for all of the VB; they don't look at those that cost more money vs. those that cost less money (a flat fee)
- she will try to help out and give Mr. Barnes a chance to get rid of part of the VB fee
- this is due at City Council Public Hearing May 21, 2014; at that time, she will ask the City Council to LAY THIS OVER to Sep 3, 2014 Public Hearing; if at that time, Mr. Barnes has his Certificate of Code Compliance, she will get rid of 1/4 of the VB fee and divide what's left over 5 years
- he won't get a bill until 1 or 2 weeks after the CC votes on it; earliest would be mid-Sep 2014
- Mr. Yannarely, please set it up so that it doesn't affect his ability to pull permits and finish work

Referred to the City Council due back on 5/21/2014

36 [RLH TA 14-219](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 141 PAGE STREET EAST.

Sponsors: Thune

Delete the assessment.

RE: 141 Page Street East (Vacant Residential Lot)

Kenneth Hamblin, owner, appeared.

Inspector Paula Seeley:

- Snow Order dated Jan 17, 2014; compliance date Jan 21; re-checked Jan 21
- work done Jan 23, 2014 for a cost of \$160 + \$160 service charge = \$320

VIDEO - widened, salted and sanded

Ms. Moermond:

- looks like you got an Order between the 2 big snows
- looks like it had been taken care of except for a little left
- will say that, by and large, it was taken care of given the very heavy snow that occurred on Jan 18, 2014
- will recommend deletion

Referred to the City Council due back on 5/21/2014

- 37** **RLH TA 14-204** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 860 RANDOLPH AVENUE.

Sponsors: Thune

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 4/15/2014

- 38** [RLH TA 14-199](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 608 SEVENTH STREET WEST.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

- 39** [RLH TA 14-217](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 294 SHERBURNE AVENUE.

Sponsors: Thao

Reduce the assessment from \$440 to \$220, payable over 2 years.

RE: 294 Sherburne Avenue (Single Family)

Kiin Ibrahim, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order sent Dec 24, 2013; compliance date Dec 30
- re-checked Dec 23, 2013 and Jan 3, 2014; Work Order sent
- work done Jan 8, 2014 for a cost of \$280 + \$160 service charge = \$440
- sent to Nuur Faarax 294 Sherburne Ave; David R. Johnson, 14926 Paul Ave N, Marine On St. Croix, MN; and Occupant
- no mail returned
- Orders indicated: including mattresses on Blvd
- no history

- no VIDEO
- photo on Ms. Seeley's computer
- Inspector Essling's note: mattresses moved to rear, west of garage

Ms. Ibrahim:

- when she got the Order, she put the mattresses into the garage; then she cleaned the garage and took out the mattresses; her cousin was supposed to come and pick up the mattress but he hadn't yet
- when she saw someone taking the mattresses, she asked them why they were taking them because her cousin was coming to pick them up and they said, "We don't care!"
- she is upset about the way in which they treated her

Ms. Moermond:

- will recommend reducing the assessment by half, from \$440 to \$220, payable over 2 years
- good faith effort
- it is still a violation
- the clean-up crew can't have that conversation with you; you could have called the inspector and told him your plans

Referred to the City Council due back on 5/21/2014

40 [RLH TA 14-202](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 666 SIMS AVENUE.

Sponsors: Bostrom

Reduce the assessment from \$756 to \$600.

RE: 666 Sims Avenue (Three-Four Family)

Eugene Zakharenko appeared.

Inspector Paula Seeley:

- snow & ice and a clean-up
- Summary Abatement Order for failure to maintain exterior property
- Snow letter and SA sent Jan 6, 2014; compliance date Jan 7; Work Orders sent for both
- work done Jan 8, 2014 for a cost of \$476 + \$280 service charge = \$756
- Orders sent to Alex Bendetov, 9200 Redmond Woodinville Rd UN, Redmond WA 98052; and BLM Management Group, 899 W 7th St, St. Paul
- SA indicated sofas on open front porch; rubbish near alley
- photos

VIDEO - removed rubbish near alley - overflowing containers, furniture, debris

VIDEO - removed snow/ice - salt and sanded

Mr. Zakharenko:

- he sent a crew over to remove everything and he talked to the tenants; had a little bit of problem with one of the tenants about the garbage
- the sofas were removed by his maintenance people; his mistake not to take photos

Ms. Moermond:

- I saw no couches in the VIDEO

Ms. Seeley:

- property has a long history; this is in her area of inspection
 - Nov 14, 2012: garbage/rubbish; Jul 10, 2013: garbage/rubbish and no hauler, EC;
 Sep 2013: garbage/rubbish; Jan 3, 2014: SA; just recently, Inspector James Hoffman on Mar 18, 2014: garbage

Mr. Zakharenko:

- it's removed
 - when we receive a Notice, we remove
 - had problems with tenants - 2 of them were evicted; they always had problems; it almost was a VB because they had dogs inside; it was horrible
 - they were cleaning the inside of the house; that's why there was more stuff outside; they moved everything out; the same day they received Notice, it was taken away from the property; he has photos right now
 - they try to do their best to have good tenants
 - they now have 2 new tenants
 - their property management company was also changed because we had problems
 - the tenants that abandoned the property owed about \$12,000; so, they removed them from the property; called police to get remove the dogs

Ms. Moermond:

- the sidewalk wasn't shoveled
 - the other thing - the containers were overfull and there was material around the containers with snow accumulation on it because the last snowfall of any significance was on Dec 31, 2013

Mr. Zakharenko:

- his man said that he could not remove some of the things from the ground because they were frozen in; when it melted a little, he was sent back to clean up
 - the calculations on the letter - the figures don't make sense; when he sees \$160 multiplied by 1 and it comes to \$476, he doesn't know how that can be

Ms. Moermond:

- there was proper Notice given and the work wasn't done although, the sofas did come off the porch
 - the work was done on the alley
 - she doesn't understand what they are doing with the letters and those figures; it's not the first time she has heard that

Ms. Seeley:

- when there's 2 SAs in a week period, they charge only 1 service charge

Ms. Moermond:

- but \$280 is 2 service charges
 - will reduce the total to \$600
 - noted: the porch is in terrible condition and needs to be repaired and painted

Mr. Zakharenko:

- agreed; will take care of repairing and painting when the weather is warmer

Referred to the City Council due back on 5/21/2014

41 [RLH TA 14-208](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1407 Assessment No. 148806 at 1041 SIXTH STREET EAST.

Sponsors: Lantry

Delete the assessment; VB file opened for two months and resolved. (No hearing

necessary)

Referred to the City Council due back on 5/21/2014

42 [RLH TA 14-142](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1406A, Assessment No. 148505 at 290 STINSON STREET. (Amended to Project No. J1406A1, Assessment No. 148527)

Sponsors: Brendmoen

Approve the assessment. Continue PH to May 21 to go with RLH TA 14-176.

RE: 290 Stinson Street (Single Family)

Piper Van Ness, owner, appeared.

Ms. Moermond:

- 2 assessments: 1) for Dec 18, 2013; and 2) for Jan 3, 2014
- was laid over to watch VIDEOS and get information from Inspector Essling

Inspector Paula Seeley:

- has the VIDEOS; didn't get information from Mr. Essling

VIDEO on the clean-up - removed 3 mattresses from the rear near alley

Ms. Van Ness:

- she came to say that the tenant never goes back there; she is saying that the mattresses, etc, are not hers
- she doesn't have a car

Ms. Moermond:

- Dec 18, 2013 - was Ordered removed
- Dec 30, 2013 - city crew did the work; a good 10 days between the Order and Clean-up

Ms. Van Ness:

- I called the tenant, who said, "I don't have anything back there"
- she herself has lived there for 5 years and the people along that alley are pretty messy

Ms. Moermond:

- Mr. Essling's comments: starts out Nov 13, 2013; appliances, furniture, refuse, garbage in rear yard and near alley; there were Summary Abatement Orders issued Nov 13; photos were taken and there were several re-checks; the re-checks extend to after the public hearing (blended - Dec 17, Dec 23, Jan 3, Jan 7, Jan 13, 2014)
- there were a lot of complaints coming in from properties along the alley; Mr. Essling checked into that and he said, "People were calling in complaining about the entire alley"
- the city did have to go out and clean-up
- will recommend approval of this assessment

ORDERS issued Jan 3, 2014 -----

Ms. Seeley:

- Order to remove snow from the sidewalk sent Jan 3, 2014; compliance date Jan 6; re-checked Jan 7; Work Order sent

- word done Jan 8, 2014 for a cost of \$40 + \$160 Service charge = \$200
- sent to Occupant and to Piper Van Ness, 1373 Simpson St, Saint Paul
- no returned mail
- looks like there's a forthcoming clean-up (Mr. Essling - Jan 7, 2014: refuse rear near alley; sent Summary Abatement; re-checked Jan 13; sent Work Order-household items and refuse remain near alley - \$220)

VIDEO - removed snow and ice - packed down; salt and sand
Viewed VIDEO one more time (appears to have been scraped)

Ms. Van Ness:

- she called the tenant, who said that she shoveled and did the best she could
- this is the first time that all of these complaints have come in on this property

Ms. Moermond:

- will recommend decreasing the assessment from \$200 to \$150

Referred to the City Council due back on 4/16/2014

43 [RLH TA 14-176](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 290 STINSON STREET.

Sponsors: Brendmoen

Reduce the assessment from \$200 to \$150.

RE: 290 Stinson Street (Single Family)

Piper Van Ness, owner, appeared.

Ms. Moermond:

- 2 assessments: 1) for Dec 18, 2013; and 2) for Jan 3, 2014
- was laid over to watch VIDEOS and get information from Inspector Essling

Inspector Paula Seeley:

- has the VIDEOS; didn't get information from Mr. Essling

VIDEO on the clean-up - removed 3 mattresses from the rear near alley

Ms. Van Ness:

- she came to say that the tenant never goes back there; she is saying that the mattresses, etc, are not hers
- she doesn't have a car

Ms. Moermond:

- Dec 18, 2013 - was Ordered removed
- Dec 30, 2013 - city crew did the work; a good 10 days between the Order and Clean-up

Ms. Van Ness:

- I called the tenant, who said, "I don't have anything back there"
- she herself has lived there for 5 years and the people along that alley are pretty messy

Ms. Moermond:

- Mr. Essling's comments: starts out Nov 13, 2013; appliances, furniture, refuse,

garbage in rear yard and near alley; there were Summary Abatement Orders issued Nov 13; photos were taken and there were several re-checks; the re-checks extend to after the public hearing (blended - Dec 17, Dec 23, Jan 3, Jan 7, Jan 13, 2014)
 - there were a lot of complaints coming in from properties along the alley; Mr. Essling checked into that and he said, "People were calling in complaining about the entire alley"
 - the city did have to go out and clean-up
 - will recommend approval of this assessment

ORDERS issued Jan 3, 2014 -----

Ms. Seeley:
 - Order to remove snow from the sidewalk sent Jan 3, 2014; compliance date Jan 6; re-checked Jan 7; Work Order sent
 - work done Jan 8, 2014 for a cost of \$40 + \$160 Service charge = \$200
 - sent to Occupant and to Piper Van Ness, 1373 Simpson St, Saint Paul
 - no returned mail
 - looks like there's a forthcoming clean-up (Mr. Essling - Jan 7, 2014: refuse rear near alley; sent Summary Abatement; re-checked Jan 13; sent Work Order-household items and refuse remain near alley - \$220)

VIDEO - removed snow and ice - packed down; salt and sand
 Viewed VIDEO one more time (appears to have been scraped)

Ms. Van Ness:
 - she called the tenant, who said that she shoveled and did the best she could
 - this is the first time that all of these complaints have come in on this property

Ms. Moermond:
 - will recommend decreasing the assessment from \$200 to \$150

Referred to the City Council due back on 5/21/2014

- 44 [RLH TA 14-216](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 740 WESTERN AVENUE NORTH.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

- 45 [RLH TA 14-192](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 1514 WILSON AVENUE.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 5/21/2014

Staff Reports

- 46 [RLH TA 14-146](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 1654 STANFORD AVENUE.

Sponsors: Tolbert

Reduce the assessment from \$325 to \$170 (delete service charge).

RE: 1654 Stanford Avenue (Single Family)

Fire Inspector Leanna Shaff:

- this was heard 2 weeks ago*
- property owner/manager had sent a check and it hadn't cleared the bank*
- check did not clear; and we cannot find a check*
- they wanted to re-submit a check but at this point, we can't*
- we recommend deleting the administration fee*

Ms. Moermond:

- will recommend that the service charge be deleted for a total of \$170*

Referred to the City Council due back on 5/7/2014

Special Tax Assessment Rolls

- 47 **RLH AR 14-20** Ratifying Collection of Vacant Building fees billed May 14 to November 21, 2013. (File No. VB1407, Assessment No. 148806)

Sponsors: Lantry

Referred to the City Council due back on 5/21/2014

- 48 **RLH AR 14-21** Ratifying Property Clean Up services during January 3 to 31, 2014. (File No. J1407A, Assessment No. 148517)

Sponsors: Lantry

Referred to the City Council due back on 5/21/2014

- 49 **RLH AR 14-22** Ratifying Trash Hauling services during January 3 to 29, 2014. (File No. J1407G, Assessment No. 148706)

Sponsors: Lantry

Referred to the City Council due back on 5/21/2014

- 50 **RLH AR 14-23** Ratifying Towing of Abandoned Vehicle services during June to November 2013. (File No. J1402V, Assessment No. 148001)

Sponsors: Lantry

Referred to the City Council due back on 5/21/2014

11:00 a.m. Hearings

Summary Abatement Orders**51** [RLH SAO 14-6](#) Appeal of Shawnacy Wells to a Summary Abatement Order and Vehicle Abatement Order at 1422 DESOTO STREET.

Sponsors: Brendmoen

Grant until April 18, 2014 for materials in the back yard to come into compliance except the brush and vehicle issues, which are granted until May 1, 2014.

RE: 1422 Desoto Street (Single Family)

Shawnacy Wells, owner, appeared.

Inspector Paula Seeley:

- *Vehicle Abatement and Summary Abatement Orders were both issued Mar 24, 2014 by Inspector Hoffman*
- *SA notes: remove TV, brush pile and all improperly stored items in the rear yard; compliance Mar 28, 2014*
- *VS notes: green Dodge with Oct 2013 tabs that appeared inoperable; compliance Mar 28, 2014*
- *appeal was filed*

Ms. Wells:

- *is her first time here and is not sure what she can/cannot do*
- *she doesn't have a garage; her van is parked on a parking pad on her property; it stopped working the beginning of fall 2013; it was completely covered in snow; she has no where to work on it and didn't have money at the time to pay for the tabs; she assumed that if the car was on her property, it would not be an issue*
- *now, they are trying to get the car running but she doesn't have the funds to pay for the repair*
- *and she doesn't have the funds to pay for the tabs*
- *her grant was cut in half and she has only \$300 for the month; she appealed and when it comes through, she will have more money and will be able to pay for the tabs*

Ms. Moermond:

- *asked Inspector Seeley how long they let a vehicle go under these circumstances before they write an Order on it*

Ms. Seeley:

- *we are supposed to give 4-10 days on vehicle violations*
- *if they call and say that they are going to repair the vehicle, she will grant 30 days*
- *4-10 days for expired tabs, too*
- *the biggest issue here is the stuff in the yard*
- *she wrote these up*
- *explained that Ms. Wells needs to start keeping her yard cleaner (there was a TV, buckets, broken bicycles, etc.)*

Ms. Wells:

- *explained that she doesn't have a garage to store her kids' bikes, so, they are up against the house; her shed is falling apart*

Ms. Seeley:

- *keep it neater; the TV should not be there*
- *there's also a brush pile*

Ms. Wells:

- didn't get to burn the brush before winter in their fire pit; she will ask her husband to get rid of the brush
- fire pit: the pit is set below ground and bricks form a ring around it above the ground

Ms. Moermond:

- will need to take care of the brush pile and car by May 1, 2014 or it will be towed
- back yard clean-up: you have until Apr 18, 2014

Referred to the City Council due back on 4/16/2014

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 52 [RLH FCO 14-49](#) Appeal of Troy Olson to a Correction Notice - Re-Inspection Complaint at 757 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Grant until May 9, 2014 to get treatment for bed bugs and to provide a report to DSI. No re-occupation of the building until treatment is done.

RE: 757 Jessamine Avenue East (Single Family)

Troy Olson, Dee Properties LLC, appeared.

Fire Inspector A.J. Neis:

- Fire Certificate of Occupancy Correction Notice
- complaint made Mar 13, 2014: building was infested with bedbugs
- inspector went out Mar 14, 2014 but was unable to gain entry
- Mar 20, 2014 inspection took place with a re-inspection Mar 27, 2014
- Orders: remove excessive combustible storage under vegetation from the exterior property areas and provide extermination of the bedbugs and a report to DSI (Inspector Tonnancour)
- not contesting the bedbugs
- contesting having to do extermination if there are any bed bugs
- Appellant's appeal identifies several sources from the CDC; however, he pointed out that the CDC is not a regulatory agency but the Department of Safety and Inspections is a regulatory agency
- furthermore, it's identified that bedbugs are not considered a pest; they are classified as an annoyance
- according to the CDC, bedbugs are identified in their definition as a parasitic insect
- Fire's Orders states Chap 34: extermination of all insects, rodents, etc.; our code specifically says, "Every owner of a structure shall be responsible for the control and/or elimination of insects, rodents or other pests where an infestation exists."
- the CDC has defined bedbugs as an insect
- health concern: CDC acknowledges that "in rare circumstances bedbugs can cause allergic reactions and on occasion, anaphylaxis." Anaphylaxis can be deadly if not treated properly, similar to a bee sting; so, bedbugs can pose a threat to certain individuals, which is why we have Orders to have them removed from the property

Mr. Olson:

- his contention is that it's overly broad and burdensome; he could be called for house flies and mosquitoes in the house, as well; no matter what he does, he can't possibly prevent insects from being in the home

- he had an inspection done and that report says that the bedbugs says that they were only in the beds; the beds are personal property; they are not part of the premises so, that becomes the responsibility of the tenant, not the landlord to take care of their personal property; in fact, he could be held liable if he damaged their personal property; so, he contends that it's impossible for him to follow the letter of the code on this one if it's being interpreted to include each and every insect; to him, bedbugs are no different than a wood tic or head lice

Mr. Neis:

- another example: if an occupant brought home roaches from food purchased at a market, etc., that infested a building; the owner would be responsible to provide that extermination

- bedbugs are definitely a challenge and becoming more and more of a problem

- there are reasonable steps that landlords have taken to ensure and safeguard their own interests: 1) purchase mattress pads that encase the mattress in additions to the exterminations; 2) do not allow used furniture on their properties (in the lease)

- Orders are sent to the owners; in cases where Orders have been written to the tenant, it's an Order to allow access or an Order for them to clean-up their belongings so that the owner can do a thorough extermination

Mr. Olson:

- because of this Correction Notice, his tenant has filed a rent escrow action so, he will be going to court on this

- pointed out that the state statute says, "this section does not extend to emergencies that are the result of the deliberate or negligent act or omission of the residential tenant or anyone acting under the direction or control of the residential tenant..."

- he tried to resolve this with the tenant by actually paying for 1 extermination but unfortunately, she has an attorney and he said that if that didn't solve the problem, they would take him to court anyway

Mr. Neis:

- one thing that's hard to prove is when the bedbugs first arrived; were they there before or only after she moved in

- some property owners now take proactive measures: when they do a turn, they pay the heat treatment just to protect themselves; they have the documentation that there weren't any bedbugs at the time when they moved in

- the Fire Code is very clear about who is responsible for the extermination because it's hard to prove when they arrived

Mr. Olson:

- in this case, the tenant has been there for 4 years and there was no complaint until the last Section 8 annual inspection; a canine came in and found bedbugs only on the beds

- entered a copy of the Section 8 annual inspection

- SMRLS is representing the tenant

- a treatment costs nearly \$1,300

Mr. Neis:

- if there is documentation (provided) that there are bedbugs, code is very specific that the owner of the structure is responsible for the extermination

- if the owner has provided documentation of extermination, that's enough to comply and their Orders will be closed out; however, they still stand; subsequently, if there is another complaint of bedbugs after that extermination, Orders would be issued again

and documentation of the extermination would be required
- this is a recurring issue with many properties in the city

Bruce Bulman, observer, commented:

- if the tenant has been there for 4 years, how can it possibly be the landlord's fault?

RECESS taken while Ms. Moermond reviewed where insects are covered in the code and tenant responsibility

Ms. Moermond:

- everywhere she finds the mention of insects in the code, it is in a separate statement from sanitation; clean and sanitary; insects, next; that tells her that the code is deliberately distinguishing between those 2 things
- when it comes to the responsibility of the tenant, it talks about clean and sanitary: "every fixture furnished by the occupant shall be properly installed; shall be maintained in good working condition and shall be clean, sanitary, free from defects .. in accordance with the law" - fixtures are more like towel racks, etc;
- clean and sanitary is covered in separate issues from infestation (different parts of the same chapter)
- what's the culpability and can Orders be written in parallel (?)

Mr. Neis:

- the Appellant's letter: one thing the code has made very clear on bedbugs, however, is that it's not a sanitation issue; it's not a cleanliness issue when it comes to bedbugs; no matter how clean a tenant or anyone is, you can suscept yourself to bedbugs
- if the inspector had identified that the home was unclean - not sanitary, which would create an environment where they could more readily breed, then, Fire would issue those Orders in parallel under Sanitation part of the code; but if it's strictly an issue of bedbugs, they have to issue the Order on infestation of bedbugs
- there have been no complaints on the property since it was sold in 2008; it's been maintained with 1 complaint of tall grass and weeds, which was taken care of right away
- is not disputing that the tenants may have gotten a used mattress or clothing; or may have had company who were infested
- now, they even say that "new" clothes should be washed or at least dried before storing or wearing because bedbugs may be coming in from people who handled them
- if Mr. Olson were to provide the treatment and get us the documentation; that would be enough to substantiate and close the Orders

Mr. Olson:

- fears that the bedbugs are also in the tenant's car; so, even if he provides the treatment, she would be bringing them back into the building
- asked what constitutes an infestation

Mr. Neis:

- that's left up to the inspector's discretion (reports, complaints that are received concerning the continuing problem)

Mr. Olson:

- he thinks of an infestation as the bedbugs being everywhere whereas, in this case, they were localized to the tenant's bed; not running rampant

Ms. Moermond:

- if it were hornets, it would be localized but she would call it an infestation,

regardless

- she has a lot of sympathy for Mr. Olson; she thinks that he could use legal advice
- it's obvious that there's a responsibility on the part of the tenant to work with Mr. Olson on this

- suggested that if there's a future complaint after the treatment, that Orders be issued to both parties

Mr. Olson:

- the tenant's lease expires at the end of Apr 2014 and he has not offered it for renewal

- the escrow was filed Mar 24, 2014; doesn't know for how long

- he has no tenants lined up for May 1, 2014

Mr. Neis:

- noted that he has seen more landlords put an agreement in their leases that says tenants may have no "used furniture"

Ms. Moermond:

- will recommend that Mr. Olson has until May 9, 2014 to provide bedbug treatment and allow no tenants until the inspector is satisfied with the extermination

- can call Plunkett's now to schedule an appointment

Referred to the City Council due back on 4/16/2014

53 [RLH FCO 14-52](#)

Appeal of Bruce Bulman to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 740 LARPENTEUR AVENUE WEST.

Sponsors: Brendmoen

Grant a 2-inch variance on the ceiling height requirement in the upstairs bedroom.

RE: 740 Larpenteur Avenue West (Single Family)

Bruce Bulman, owner, appeared.

Fire Inspector A.J. Neis:

- Fire Certificate of Occupancy Correction Notice dated Feb 27, 2014 by Inspector Scott Perrier

- re-inspection Mar 21, 2014

- appealed is the ceiling height in second floor bedroom

- photos in the file

- this is a large 1 1/2 story home with an attic conversion

- over 63% of the ceiling height is at 6'10" - approximately 2 inches shy of the 7 foot requirement

- owner is requesting a 2 inch variance in order to continue it's use the room for sleeping purposes

- there are adequate smoke detectors and a large egress window

Ms. Moermond:

- will recommend a 2 inch variance on the ceiling height in the upstairs bedroom

Referred to the City Council due back on 4/16/2014

2:30 p.m. Hearings

Vacant Building Registrations

54 [RLH VBR 14-24](#) Appeal of Benjamin Shamrock to a Certificate of Code Compliance Requirement at 640 MINNEHAHA AVENUE WEST.

Sponsors: Thao

Change to Vacant Building Category 1 and allow 90 days for owner to pull permits for chimney repair. Vacant Building fee already assessed.

RE: 640 Minnehaha Avenue West (Duplex)

Benjamin Shamrokh, owner, and his father appeared.

Matt Dornfeld, Vacant Buildings:

- this file was in the Vacant Building Program previously and made it to the Category 3 stage; it became code compliant and was issued a code compliance sign-off Jul 26, 2011

- Dec 16, 2013, Inspector John Roth Condemned this property for the chimney; he noted: "Chimney is falling off the roof so that the heating plant is not properly functioning; large hole in roof from chimney falling off; chimney liner is also in danger of falling off the roof; the chimney is defective due to it no longer being in place; replace all missing and defective bricks; tuckpointing is needed to restore the chimney to a professional state of maintenance and repair; unvented gas appliance; deterioration of some roofing materials

- Dec 16, 2013, Inspector Roth also issued a Summary Abatement Order to remove those chimney remnants from the roof

- Dec 17, 2013, he also issued a Summary Abatement Order for several vehicles that appeared inoperable and were being stored in the back yard area

- the file was transferred to Mr. Dornfeld, who opened a Category 2 Vacant Building Dec 23, 2013

- per Mr. Wagner, they re-issued Summary Abatement Orders Jan 2, 2014 for chimney remnants and the vehicles; they also included an excessive flow valve notice

- Jan 10, 2014, a \$120 Excessive Consumption fee was issued for noncompliance of the vehicles and chimney; a Work Order was issued to abate the chimney remnants; on Jan 15, 2014, it was noted by the abatement crew that the chimney remnants were removed by the property owner

- Feb 7, 2014, the vehicles remained so a second \$120 Excessive Consumption fee was issued; at that time, the chimney appeared to be repaired; smoke stack liner, hole in roof was covered by some black tarping; no permit on file for the work;

exhaust smoke was coming out of it; at that inspection, per Mr. Wagner, a Work Order was issued to install the excessive flow valve through Restoration Professionals and due to no permit for the chimney repair (a fire hazard)

Mar 5, 2014, dwelling appeared to be occupied; he spoke with Mr. Shamrokh, who confirmed that he was staying there; he advised Mr. Dornfeld that both he and his wife were having some medical issues; all vehicles remained in the yard; Mr.

Shamrokh stated that he would do his best to start working on the vehicles and cleaning up the yard; they also talked about filing an appeal; he made an attempt to file and appeal, which was denied

- Mar 10, 2014, some improvements had been made: the vehicles were moving and some clean up of the yard had taken place; still some garbage and refuse remained (they talked today at his property and there was some confusion; those items were outside of his property fence and he was unaware that they were there before today; it was behind the garage; only today did he see it; someone else had put it there)

- in summary, we have a Condemned home for a chimney that's been repaired without a permit, currently; it was compliant back in 2011; Mr. Shamrokh now does know that he needs to get rid of the vehicles and maintain the property

Mr. Shamrokh:

- after he went through the Vacant Building process before that wiped out all of his saving and his son's saving, he thought he'd have a home to stay in
- they didn't realize that the chimney was in such poor condition
- he also understands that the chimney was not safe and the inspector had to Condemn the building
- at the same time, they didn't have the money and it was nearing Christmas plus the weather was so very cold, too cold to do the fixing
- he didn't know what to do, so, he talked to Inspector Roth, who told him to try to just fix the hole so that he could look at it; so, he tried to do things but couldn't because of the cold
- his son went to get a permit but the lady there said that they couldn't get a permit because the house was classified as a Vacant Building; how can it be vacant when they live there (?)
- let's say they are kicked out of the house; lose the mortgage; lose the house after they invested over \$60,000 and will be in the street; he is 70 years old and has health problems; his wife is in a nursing home - to come home this week and all the problems surround them; his mind is not about the ordinance/law but about getting this house to be a safe place
- they got someone from Wisconsin to replace the liner and fix the hole; he didn't mind the cold
- they checked the CO and it was safe; now, they need to finish the job and put brick around the liner

Ms. Moermond:

- the guy from Wisconsin who did the job didn't pull a permit

Mr. Shamrokh:

- in order to pull the permit, we would have to go through all the code compliance and pay the VB fee
- he could understand if he was negligent but he is not negligent; there was just no time; right away, it was a VB; they didn't even have a chance to think about it
- they have estimates to get a permit and finish the job; they don't want to do things illegally; they wanted a permit but couldn't get the permit
- what is more important at this point: 1) wait until there's a fire and they could die, or 2) do something without a permit subject to finishing it legally (?) That's what happened - it was a necessity to save lives; sometimes, when you have life on the line, you do whatever it takes and then you look at the procedures
- at that time, the temperature was 40 below zero, and he couldn't go anything (all was frozen); once the weather became a little warmer, he started to move the vehicles, etc; he told Mr. Dornfeld that he would put gravel in all areas and he will have it landscaped - clear of violations; he will take care of it

Son:

- all vehicles are registered and have current plates/stickers; with all the snow/ice, they just couldn't get them moved

Ms. Moermond:

- technically, this place is being illegally occupied
- she wants to give them a chance to get it fixed
- she will recommend that the VB fee is waived for 90 days from today, which will give the Appellant 90 days to pull and close permits (cautioned that DSI might double fee them because the permit is being pulled after the work is done)

Mr. Dornfeld:

- explained that since this was a VB since Dec 2013, the VB fee has already gone to

assessments, so we need some eradication of that fee if they become compliant in the next 90 days

Ms. Moermond:

- asked Mr. Dornfeld to put a note in the system to allow the issuance of permits (Mr. Dornfeld: he will do that)
- Appellants will be able to pull a permits for the chimney (mechanical and building permits)
- Appellants will get a Notice about the assessments (a VB fee- a letter will come or already has); the next thing that happens, is the fee goes to be a proposed property assessment (already processed); the letter will come with a yellow post card; send back that yellow post card and at a future LH, we can talk about decreasing or eliminating that fee entirely

Referred to the City Council due back on 4/16/2014

55 [RLH VBR 14-22](#) Appeal of Matt Bartlett to a Vacant Building Registration Renewal Notice at 1087 RANDOLPH AVENUE.

Sponsors: Tolbert

Waive Vacant Building fee for 90 days.

RE: 1087 Randolph Avenue (Duplex)

Matt Bartlett, Verity Property Solutions LLC, appeared.

Matt Dornfeld, Vacant Buildings:

- Certificate of Occupancy Revocation Apr 8, 2008 by Fire Inspector A.J. Neis
- Inspector Dennis Senty opened it as a Category 2 Vacant Building on Apr 12, 2008
- it's been maintained very well by the previous property owner, who paid the VB fee by check in 2008-09, 2009-10, 2010-11, 2011-12 and 2012-13
- recently, Verity Property Solutions LLC went through the city's sale review process and was approved by Inspector Reid Soley Mar 7, 2014
- there is a current code compliance inspection report; no permits have pulled as of yet
- the annual VB fee is now due
- Appellants are asking for an extension on that fee

Ms. Moermond:

- understand that while the VB fee isn't paid, you can't pull permits

Mr. Bartlett:

- have just recently come into the St. Paul market
- they have been buying up Vacant Buildings and get them up and running very quickly
- this was closed 2 weeks ago with cash; they have a construction loan that will close this Fri, Apr 4, 2014 for \$104,000 (renovation)
- they can't pull permits or do any work until the construction loan closes
- they will be in and out of the project in 90 days

Mr. Dornfeld:

- Category 1 VB do not require a code compliance inspection

Ms. Moermond:

- understands about the money situation
- is glad that the Appellants are renovating this VB and getting it back into being a

productive member of the community
- will recommend granting a 90 waiver on the VB fee; if the job is done in 90 days, there will be no VB fee

Mr. Dornfeld:

- asked the Appellants to give him a call if, after 90 days, they are done but just waiting for final inspections, etc.

Referred to the City Council due back on 4/16/2014

- 56 [RLH VBR 14-21](#) Appeal of Jason Frey OBO KBD Investments, LLC to a Vacant Building Registration Renewal Notice at 1876 WORDSWORTH AVENUE.

Sponsors: Tolbert

Owner requested a 45 day waiver on his Vacant Building fee and it was granted by the inspector; his code compliance final inspection is pending with Inspector Seeger. Should be done no later than 2 weeks.

Withdrawn

3:00 p.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 57 [RLH VO 14-6](#) Appeal of William Bigler to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 328-330 NINTH STREET EAST.

Sponsors: Thune

RE: 328-330 Ninth Street East (Apartments)

Appellant James Bartholow and Paula Bartholow appeared.

Appellant William Bigler appeared.

Others also appeared.

Ms. Moermond:

- she has combed through these Orders and has gone through the materials from each of the trades' inspectors and Fire Certificate of Occupancy; so, she feels pretty well-versed

- it's great that the sprinkler and alarm work has been taken care of throughout

Mr. Bartholow:

- Maximum Needs Construction has had to pull 2 permits: 1) to fire caulk and dry wall 2 water heater rooms (they had not been finalized); and 2) last Fri, they applied for a permit for separations (needed a door in the basement between the 2 buildings); also included was 4 sq.ft of ceiling tile in an individual unit and there's another individual unit that had some fire separations also

Fire Inspector Leanna Shaff:

- there's 3 active permits: 1) \$15,000 permit pulled yesterday at 8:49.56 am - Jim Bloom is reviewing it; 2) permit pulled Feb 14 for drywall ceiling in 1st floor maintenance room and 3rd floor water heater room; and repair blocking and walls/ceiling joist in Unit 102W - pending process -plan review; and 3) electrical permit pulled for 102W is inspected and it says, "They have to install a proper box

and connector for the kitchen light." 4) there's a venting permit: "Remove RTU from duct system and fan-cooled to apartment #9", etc. - inspected but not finalized -last date was 2/28; 5) ceiling... looks like 3 permits open

Mr. Bartholow:

- they have been told by Dan Moynihan, personally, about the permit in 102W; he said he was going to close it and we should just put a different box in the light fixture in the kitchen; has no doubt that they can do that; it's done; charged him \$250
- ventilation permit on 2/28 - he spoke with Gary Rinesberg and Jerry Hanson - for the heating system; both men told him that they need to sign-off on that - one of the big three: 1) sprinklers; 2) alarm system; and 3) HVAC or heating system, which they had to have done in order to not have the building vacated on Mar 3, 2014

Ms. Shaff:

- she spoke with Jerry Hanson (she spoke with Mr. Bartholow 2 weeks about this) that the permit is not closed because he hasn't been supplied with the heat calculations and hasn't done a re-inspection; speak with your contractor about that

Ms. Moermond:

- the other big thing is the fire separations, of course; on those, there are many levels of problems with them
- there's venting between a lot of units which isn't needed or should have been taken out because you had multiple units relying on a furnace; all associated with that has to go
- the openings need to be sealed that will provide the separation between the units
- you need to pull all that out and then go in and fix it
- also, you need to provide a space around the furnace rooms and holes in ceilings and walls

Mr. Bartholow:

- that has been done; not been inspected
- 102 has been completely sealed and the blocking done; 204 has been sealed
- blocking done; 202 also
- this is something that Maximum Needs has been doing for them

Ms. Shaff:

- that permit was applied for yesterday morning and hasn't gotten out of plan review (in their world, which means the work's not done)

Mr. Bartholow:

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- but in the end, it's the association or homeowner's responsibility
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plumbing, heating, air and electrical - it doesn't tell her that they are general contractors; they are not eligible to be running the show

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- wanted to know how he could help

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- there's a lot on the list that's not incredibly tricky
- she needs to see and be sure that the life-safety issues have been addressed so that this can be re-occupied; those show up in the Fire Report; they all need to be addressed before the building can be re-occupied; some of those items relate to other areas (#52: ..Provide and maintain fire rated floor and ceiling construction with approved materials and methods; this may require permits....); the same kind of statement is in the building inspection report - about making sure that those separations are taken care of
- get those fire separations taken care of

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- #52: it says, "building 330: life safety issue unit 201" and the last sentence says: "Permit is required for installation of a new ceiling in a bathroom" That's done; it's been done for 6 months; it was done under permit but it can't be finalized.... Todd Sutter has been out... if he's not mistaken, all of the life-safety issues have been taken care of; however, unit 205E has a stop work order on this unit by the people who would like to bankrupt the association and they are not going to do any work; unit 305W - a foreclosed unit; both units have life-safety issues (he doesn't want to get sued for going in there)
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Ms. Moermond:

- hasn't seen a permit to do these separations outside of the very narrowly drawn one that they talked about earlier that doesn't have a name attached to it
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Referred to the City Council due back on 4/2/2014

Occupancy and Order to Vacate at 328-330 NINTH STREET EAST.

Sponsors: Thune

RE: 328-330 Ninth Street East (Apartments)

Appellant James Bartholow and Paula Bartholow appeared.

Appellant William Bigler appeared.

Others also appeared.

Ms. Moermond:

- she has combed through these Orders and has gone through the materials from each of the trades' inspectors and Fire Certificate of Occupancy; so, she feels pretty well-versed

- it's great that the sprinkler and alarm work has been taken care of throughout

Mr. Bartholow:

- Maximum Needs Construction has had to pull 2 permits: 1) to fire caulk and dry wall 2 water heater rooms (they had not been finalized); and 2) last Fri, they applied for a permit for separations (needed a door in the basement between the 2 buildings); also included was 4 sq.ft of ceiling tile in an individual unit and there's another individual unit that had some fire separations also

Fire Inspector Leanna Shaff:

- there's 3 active permits: 1) \$15,000 permit pulled yesterday at 8:49.56 am - Jim Bloom is reviewing it; 2) permit pulled Feb 14 for drywall ceiling in 1st floor maintenance room and 3rd floor water heater room; and repair blocking and walls/ceiling joist in Unit 102W - pending process -plan review; and 3) electrical permit pulled for 102W is inspected and it says, "They have to install a proper box and connector for the kitchen light." 4) there's a venting permit: "Remove RTU from duct system and fan-cooled to apartment #9", etc. - inspected but not finalized -last date was 2/28; 5) ceiling... looks like 3 permits open

Mr. Bartholow:

- they have been told by Dan Moynihan, personally, about the permit in 102W; he said he was going to close it and we should just put a different box in the light fixture in the kitchen; has no doubt that they can do that; it's done; charged him \$250
- ventilation permit on 2/28 - he spoke with Gary Rinesberg and Jerry Hanson - for the heating system; both men told him that they need to sign-off on that - one of the big three: 1) sprinklers; 2) alarm system; and 3) HVAC or heating system, which they had to have done in order to not have the building vacated on Mar 3, 2014

Ms. Shaff:

- she spoke with Jerry Hanson (she spoke with Mr. Bartholow 2 weeks about this) that the permit is not closed because he hasn't been supplied with the heat calculations and hasn't done a re-inspection; speak with your contractor about that

Ms. Moermond:

- the other big thing is the fire separations, of course; on those, there are many levels of problems with them

- there's venting between a lot of units which isn't needed or should have been taken out because you had multiple units relying on a furnace; all associated with that has to go

- the openings need to be sealed that will provide the separation between the units

- you need to pull all that out and then go in and fix it

- also, you need to provide a space around the furnace rooms and holes in ceilings and walls

Mr. Bartholow:

- that has been done; not been inspected
- 102 has been completely sealed and the blocking done; 204 has been sealed
- blocking done; 202 also
- this is something that Maximum Needs has been doing for them

Ms. Shaff:

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Other

- 59 [RLH OA 14-4](#) Appeal of Crowe Construction Management KMJC, LLC DBA Dellwood Gardens to a Letter dated March 17, 2014 from Building Inspector Todd Sutter at 753 SEVENTH STREET EAST.

Sponsors: Lantry