



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

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Tuesday, January 9, 2018

9:00 AM

Room 330 City Hall & Court House

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

##### Special Tax Assessments

- 1 [RLH TA 18-9](#) Deleting the Appealed Special Tax Assessment for property at 1162 ARUNDEL STREET. (File No. VB1802, Assessment No. 178801)

**Sponsors:** Brendmoen

*Delete the assessment.*

*Opened Cat 2 vacant building on 7/21/15. Code compliance approval letter on 8/30/17. 1 month into the program for this year cycle.*

**Referred to the City Council due back on 1/17/2018**

- 2 [RLH TA 18-8](#) Ratifying the Appealed Special Tax Assessment for property at 1251 BARCLAY STREET. (File No. 1801T, Assessment No. 189000)

**Sponsors:** Bostrom

*Anna M. Hofschulte, owner, appeared.*

*Karl Mueller, Forestry:*

*Cost: \$2,617.00*

*Service Charge: \$156.18*

*Total Assessment: \$2,773.18*

*Gold Card Returned by: Anna Hofschulte*

*Type of Order/Fee: Notice*

*Nuisance: Dangerous Tree*

*Date of Orders: June 23, 2017*

*Compliance Date: July 10, 2017*

*Re-Check Date: July 10, 2017*

*Date Work Done: July 24, 2017*

*Work Order #: Contract #17-1130*

*Returned Mail?: No*

*-I spoke with Anna about the tree & she wanted our contractor to do it*

*Ms. Hofschulte: I would like to have payments; something reasonable*

*Ms. Moermond: I can divide it over 10 years*

*Approve and payable over 10 years.*

**Referred to the City Council due back on 2/28/2018**

- 3      **RLH TA 18-14**      Ratifying the Appealed Special Tax Assessment for property at 925 COOK AVENUE EAST. (File No. J1801B, Assessment No. 188100)

**Sponsors:**      Bostrom

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 1/23/2018**

- 4      [RLH TA 18-15](#)      Ratifying the Appealed Special Tax Assessment for property at 940 EDGERTON STREET. (File No. J1803G, Assessment No. 188702)

**Sponsors:**      Bostrom

*Approve; no show.*

**Referred to the City Council due back on 1/17/2018**

- 5      [RLH TA 18-16](#)      Ratifying the Appealed Special Tax Assessment for property at 940 EDGERTON STREET. (File No. J1804G, Assessment No. 188703)

**Sponsors:**      Bostrom

*Approve; no show.*

**Referred to the City Council due back on 1/17/2018**

- 6      **RLH TA 18-17**      Ratifying the Appealed Special Tax Assessment for property at 940 EDGERTON STREET. (File No. J1805G, Assessment No. 188704)

**Sponsors:**      Bostrom

*Approve; no show.*

**Referred to the City Council due back on 2/28/2018**

- 7      **RLH TA 18-1**      Ratifying the Appealed Special Tax Assessment for Property at 1790 HAMPSHIRE AVENUE (File No. VB1805, Assessment No. 188804).

**Sponsors:**      Tolbert

*Delete the assessment. A Cat 1 vacant building file was opened on 8-31-17 and was closed on 12-7-17. The inspector had requested the fee be waived; however, it had already been sent to assessment on 10-31-17.*

**Referred to the City Council due back on 2/28/2018**

- 8      [RLH TA 17-553](#)      Ratifying the Appealed Special Tax Assessment for property at 908

JEFFERSON AVENUE. (File No. J1804A, Assessment No. 188503)

Sponsors: Noecker

*Christopher Conner, owner, appeared.*

*Supervisor Paula Seeley:*

*Cost: \$5344*

*Service Charge: \$157*

*Total Assessment: \$5506*

*Gold Card Returned by: Email from Parks*

*Type of Order/Fee: Summary Abatement Order*

*Nuisance: Garbage/Rubbish and dead trees from north side of property*

*Date of Orders: 8/10/17*

*Compliance Date: 8/23/17*

*Re-Check Date: 09/06/17*

*Date Work Done: 09/07/17*

*Work Order #: 17-076784; 07-07685*

*Returned Mail?: No*

*Comments: COST BREAKDOWN: Garbage Abatement Hrs: 6, General Refuse (cu. yds.): 100*

*Home Appliances: 1, TVs: 1, Car Batteries: 3, Auto Tires: 20, Roll Off Truck Hrs: 6, Other Charge: 60, Other Charge Descr: 3 propane cylinders, 5 camp canisters, 100lbs of ballast disposal fee, Car Battery Fee : \$30.00. Home Appliance Fee : \$30, TV Fee : \$50, Other Charge Fee: \$60, Auto Tire Fee : \$200, Roll Off Truck Fee: \$270, Garbage Abatement Fee: \$1,560, General Refuse (cu. yds.) Fee : \$2,800*

*History of Orders on Property: long history*

*Ms. Moermond: we have an email from Nate Edwards, Parks & Rec, provided some costs & indicated that there were 60 yards worth of material, 5 hours; set-up, dump, back to site, emptying trucks, - he subtracted the amount of money the city got from the dump, which gave the city a check for some of the scrap metal: \$181*

*Ms. Seeley: I don't have that in my records but I do remember them discussing that*

*Mr. Connor: I'm not here to appeal the assessment; the city did the work; I'd like to discuss the Administrative Search Warrant that was served for the last abatement that took place on Nov 30, 2017*

*Ms. Moermond: no; we can't; all that I have in front of me today is what happened on Sep 7, 2017 & then, the 2 Excessive Consumption fees*

*Mr. Connor: Isn't there supposed to be an Administrative Hearing before they issue that Administrative Search Warrant, which was never given to me; I did get the Abatement Notice though*

*Ms. Moermond: I have nothing to do with the issuance of the search warrant that was used to gain access to your property; the process with dealing with that is separate; the search warrant itself would probably describe what any appeals or objection process would be*

*-what I have is the results of the clean-up & the costs incurred by the city; the next step for you is the City Council Public Hearing on Jan 17, 2018; after that, would be district court, if you'd wish to object to the clean-up costs further*

*Mr. Connor: I wasn't really here to discuss that even though; there are actually some*

*bigger issues that I thought we could discuss today but ....*

*Ms. Moermond: I'm only dealing with the cost of the Sep 7 clean-up; then, I have 2 Excessive Consumption assessments for multiple events within a 12-month time period*

*-the cost of the clean-up is \$5500; is that something you'd like to have divided over time?*

*Mr. Connor: no; I'm going to have the whole thing taken care of; I have a claim in with the City of Saint Paul; there have been no neighborhood complaints; this is all about DSI initiated events over a 4-year period since I bought the home in 2014*

*VIDEO - a large city crew, headed by Supervisor Steve Magner, cleaned up a yard totally packed with materials of all kinds*

*Mr. Connor: this is an Administrative Warrant & you don't need the probable cause that you would with a Criminal Warrant but I think everything else is the same, as far as returning the warrant to the Judge with the inventory of the items you've taken -no neighborhood complaints ever; I get along very well with my neighbors; I take care of the alley; no testing has ever been done in the yard - just accusations from DSI; they did the same thing in Jan 5, 2016 without a warrant; it looks like a mess but no one sees that; it was completely closed off until DSI opened the fence & took everything away*

*Ms. Moermond: if the city does have a complainant, it is illegal for the city to disclose that to you under Minnesota law*

*-the concern is whether or not this constitutes a violation of exterior maintenance standards & is a nuisance condition that needs to be abated*

*-you are saying that the condition exists but it's behind a privacy fence & you have concerns about the Administrative Search Warrant; I can ask the City Attorney's Office to prepare something for me to give me some background; your public hearing is scheduled for Jan 17, 2018 at 5:30 & I will have that background material before then*

*-I am looking at what I believe to be a violation of exterior maintenance standards & what I believe does constitute a nuisance condition that needs to be abated; I would like a little more information from the City Attorney's Office; & from my understanding, having an Administrative Search Warrant served does provide access to the yard to do the work that was ordered in the SA; we will retain the VIDEO for City Council*

*-I have committed to talk to the City Attorney's Office*

*-my recommendation is forthcoming pending that conversation; you've heard that I'm inclined to recommend approval of the assessment payable over 1 year; we're retaining the Video to show City Council*

*Mr. Connor: how they just broke into the property is kind of unusual; they ripped the fence apart; then, they ran into both fence posts when they were driving; the skid steer slammed into the posts & knocked the posts out of the ground; when they left, they just took a stick & propped it up to hold up the fence - very insecure; I don't think they did a very good job of securing the place when they left; we have Video of all this too; & there was no communication with me about this while they were removing items; did not appreciate the way he was treated during this whole thing*

*Follow-up:*

*Ms. Moermond:*

-I had a chance to talk to City Attorney and owner raised a concern about the administrative search warrant. -the administrative search warrant was an ex parte warrant and there is no requirement that owner be notified and have an opportunity to be heard  
 -the due process component in the summary abatement order was to appeal the order itself  
 -there was no appeal of that order so no issue there  
 -I asked the City Attorney's Office to scan the petition to the Court for the warrant and will attach to record  
 -I will recommend approval of this clean-up assessment

Approve the assessment.

**Referred to the City Council due back on 1/17/2018**

**9**      [RLH TA 18-18](#)

Ratifying the Appealed Special Tax Assessment for property at 908 JEFFERSON AVENUE. (File No. J1803E, Assessment No. 188302)

**Sponsors:**      Noecker

*Christopher Connor, owner, appeared.*

*Supervisor Paula Seeley:*

*..Tax Assessment Worksheet*

*Cost: \$244*

*Service Charge: \$35*

*Total Assessment: \$279*

*Gold Card Returned by: Christopher Conner called*

*Type of Order/Fee: Excessive Inspection during 6/22/17 thru 7/21/17*

*Nuisance: Remove meta, wood, appliances, machinery, TV set, cardboard etc from trailer and driveway*

*Date of Orders: SA on 7/5/17*

*Compliance Date: SA Compliance date 7/12/17; 2 EC Letters sent 07/5/17 & 7/19/17*

*Re-Check Date: 07/12/17 & 7/19/17*

*Date Work Done: NA*

*Work Order #: 15-176964*

*Returned Mail?: No*

*-I cannot find a Summary Abatement for 7/19*

*Ms. Moermond: how much would be taken off from the \$279? Let's go ahead & subtract \$122 from the total, which would bring the total down to \$157*

*-and, this is more than 2, so what were the other 2 that we're talking about?*

*Ms. Mai Vang: listed the following Excessive Consumption dates: 6/23, 6/14, 6/7, 5/16, 4/5, 3/9, 2/22, 2/1, etc.*

*Ms. Moermond:*

*Reduce from \$279 to \$157.*

**Referred to the City Council due back on 1/17/2018**

**10**      [RLH TA 18-19](#)

Ratifying the Appealed Special Tax Assessment for property at 908 JEFFERSON AVENUE. (File No. J1804E, Assessment No. 188303)

**Sponsors:** Noecker

*Christopher Conner, owner, appeared.*

*Supervisor Paula Seeley:*

*Cost: \$366*

*Service Charge: \$35*

*Total Assessment: \$401*

*Gold Card Returned by: Christopher Conner called*

*Type of Order/Fee: Excessive Inspection from 7/23/17-8/18/17*

*Nuisance: Garbage Rubbish*

*Date of Orders: SA 08/02/17 - EC sent on 8/2 and 8/10*

*Compliance Date: SA 08/09/17*

*Re-Check Date: Correction Notice 8/10/17*

*Date Work Done:*

*Work Order #: 15-176964, Inv # 1321547, 1323096, 1324401*

*Returned Mail?: No*

*Comments: \*THERE WAS A PA EC LETTER GENERATED ON 7/28/17 NOT ABLE TO OPEN IN STAMP AND NOT LOCATED IN AMANDA*

*History of Orders on Property:*

*-work was done by owner which generated a PAEC; I suggest deleting \$122 from \$401 because I cannot find that PAEC bill anywhere in Amanda*

*Ms. Moermond: I agree; so recommended*

*Reduce from \$401 to \$279.*

**Referred to the City Council due back on 2/7/2018**

- 11 **RLH TA 18-2** Ratifying the Appealed Special Tax Assessment for property at 1531 MARGARET STREET. (File No. 1801T, Assessment No. 189000)

**Sponsors:** Prince

*Delete the assessment; property was assessed in error because the work was done by the property owner.*

**Referred to the City Council due back on 2/28/2018**

- 12 [RLH TA 18-10](#) Deleting the Appealed Special Tax Assessment for Property at 1708 MARSHALL AVENUE (File No. VB1802, Assessment No. 188801).

**Sponsors:** Stark

*Delete the assessment. VB waiver on file.*

**Referred to the City Council due back on 1/17/2018**

- 13 [RLH TA 18-6](#) Ratifying the Appealed Special Tax Assessment for property at 2235 MARYLAND AVENUE EAST. (File No. 1801T, Assessment No. 189000)

**Sponsors:** Bostrom

*David Kuschel, owner, appeared.*

Karl Mueller, Forestry:  
Cost: \$504.00  
Service Charge: \$169.38  
Total Assessment: \$673.38  
Gold Card Returned by: David Kuschel  
Type of Order/Fee: Notice  
Nuisance: 2 Dutch Elm Diseased trees in back yard  
Date of Orders: July 7, 2017  
Compliance Date: August 4, 2017  
Re-Check Date: August 7, 2017  
Date Work Done: September 15, 2017  
Work Order #: Contract #17-1137  
Returned Mail?: No

Mr. Kuschel: I'd like to see the Video

Ms. Moermond: we don't have videos for tree removals

Mr. Kuschel: there's a gap between my garage & a fence in my neighbor's yard about "this" wide; it took me about 5 weeks to locate these trees because they're so weirdly located; I finally found them between the fence & my garage; but you'd have to have someone drop down in there to get those trees out

Ms. Moermond: asked him to come up & look at the photo

Mr. Kuschel: that is not correct at all; in fact, that is my neighbor's yard; these are the trees right here.... this is a horrible photograph; absolutely horrible; this is my garage; there's the fence line right here.... that you do not see; these are the trees in here (this little tree right here is the one you tagged; & only 1; I didn't see 2); there's like about 1 foot between this garage & the fence line that you don't see on this horrible photograph; so, you're asking me to get on top of the garage roof; drop down in this one area & somehow get the tree out; I don't have any of this type of equipment; so, I asked my father-in-law (once I located the tree) to come down from northern WI - he's got some equipment to help me do this

Ms. Moermond: it took you 5 weeks to go between your garage & the fence? This letter says, "Please remove the 2 trees located on the northwest corner of the property adjacent to the alley in between the shed & the fence;" so, you couldn't find that?

Mr. Kuschel: No; I could not; it's an awful photograph; it is not fair that you're going to assess everything based on that photograph; I wish I could have took my own photograph; that would have been fair; in fact, I called up here & asked if I should take a photograph & they said, "No; we already have one;"

Ms. Moermond: you're welcome to submit a photograph; I will Lay this Over so you can submit a photograph & I'll ask for an aerial map; if it is your property that we're talking about, I don't care if you got your fence set up so that you have a 6 inch opening between your garage & your fence..... it's your responsibility if it's on your property whether or not it's easily accessible; so, we'll Lay this Over for 2 weeks to give you a chance to take a photo of the area to show me where those trees were

Mr. Kuschel: I can't control Dutch Elm disease --- & all this craziness --- I don't deserve this

*Layover to Jan. 23. Owner will provide additional photos and inspector will provide aerial map and measurement of the property line.*

**Laid Over to the Legislative Hearings due back on 1/23/2018**

- 14 RLH TA 18-5** Ratifying the Appealed Special Tax Assessment for property at 544 MINNEHAHA AVENUE WEST. (File No. J1804B, Assessment No. 188103)

**Sponsors:** Thao

*Approve; no show.*

**Referred to the City Council due back on 2/28/2018**

- 15 RLH TA 18-7** Ratifying the Appealed Special Tax Assessment for property at 1662 MINNEHAHA AVENUE EAST. (File No. 1801T, Assessment No. 189000)

**Sponsors:** Prince

*David Schell, owner, appeared.*

*Supervisor Karl Mueller, Forestry:*

*Cost: \$3,220.50*

*Service Charge: \$209.88*

*Total Assessment: \$3,430.38*

*Gold Card Returned by: Louis Knippenberg*

*Type of Order/Fee: Notice*

*Nuisance: Diseased Trees*

*Date of Orders: July 7, 2017*

*Compliance Date: August 4, 2017*

*Re-Check Date: August 7, 2017*

*Date Work Done: September 29, 2017*

*Work Order #: Contract #17-1137*

*Returned Mail?: No*

*Comments: Property ownership changed sometime in 2017*

*History of Orders on Property: 3 tall grass/weeds complaints in 2017*

*-letter was sent to North River Homes, James Gilbert*

*Mr. Schell: we purchased the lot from the previous owner, North River Homes LLC; we had no idea that there were Orders written on the property; Louis Knippenberg was planning to build, so he had estimates to have the trees removed because they were in the way of the building & they would have been removed but we had no idea about the Orders*

*Ms. Moermond: Ramsey County records the sale as having happened on Sep 11, 2017 for \$22,000*

*-I see that the Orders went to the previous owner on Jul 7; staff went out to check if Orders had been complied with by Aug 4; they didn't have a private contractor go out & address the situation until Sep 29, 2017 (your period of ownership); the previous owner did not disclose to you that these Orders existed; the previous owner should have told you that there were these outstanding Orders; under MN State Law, it's incumbent upon them to do that*



*Mr. Schell: there was no realtor involved; I haven't talked with the previous owner but I will; I know Mr. Gilbert so, we can talk about it; the estimate we had to removed the 2 trees was \$1400; so, I'm asking to get this bill adjusted somehow*

*Ms. Moermond: James Gilbert knew & didn't tell you & the city is sending out it's lowest bidder on this; evidently, it's not the better bid; you got the better bid but the city wrote that check; I'm not inclined to recommend an adjustment because the Notice was sent to the previous owner; they knew that they were supposed to do it but they didn't do it & that's why the city contractor got involved in the first place; the city paid the \$3400 bill & the rest of the taxpayers are not responsible for paying this bill; Mr. Gilbert is; it's a private matter now between you & Mr. Gilbert*

*Approve the assessment.*

**Referred to the City Council due back on 2/28/2018**

**16**     [RLH TA 18-11](#)

Ratifying the Appealed Special Tax Assessment for property at 880 SELBY AVENUE. (File No. J1804A, Assessment No. 188503)

**Sponsors:**        Thao

*Jim Sullivan, son of deceased owner, appeared.*

*Supervisor Paula Seeley:*

*Cost: \$364*

*Service Charge: \$162*

*Total Assessment: \$526*

*Gold Card Returned by: Jim Sullivan Jr called of James Sullivan (deceased father)*

*Type of Order/Fee: Summary Abatement Order*

*Nuisance: garbage/rubbish-mattress, sink, buckets, wood, misc items in alley abutting property*

*Date of Orders: 08/04/17*

*Compliance Date: 08/15/17*

*Re-Check Date: 08/29/17*

*Date Work Done: 09/01/17*

*Work Order #: 17-074858*

*Returned Mail?: No. SAO were mailed to James Sullivan, 880 Selby Ave, St Paul, 55104; James Sullivan, 431 Nahua St #1109, Honolulu HI 96815, Norman J.*

*Nielson/Nielson, 882 Selby Ave, St Paul MN 55104*

*Mr. Sullivan: my father passed away Apr 10, 2017; Aug 14, we sent out all the Notices of Probate; I am the executor & all mailings come to my address; we've been cleaning out the building, readying it for sale; I drive thru the alley about once a month; I did not see any mattresses, etc, & I don't have the dates of when I did drive thru; the neighborhood likes to use it as a dumping point; I've been picking things up & getting rid of them (tires, desk, concrete blocks, mattresses, etc)*

*-the building is built right to the property line so anything that's left there is in the alley*

*-the reason I'm here is when I do check the mailbox, we did not receive any Notice to pickup/cleanup from the city; we really don't have any mail going there any more; when I check the box, it's always empty*

*-all mail is supposed to go to 531 Brainerd Ave (it's been corrected at Ramsey County)*

*VIDEO - crew picked up sink, mattresses, pallets*

*Mr. Sullivan: it's used as a dumping ground*

*Ms. Moermond: it might help to get rid of the volunteer tree growth*

*Mr. Sullivan: that is all gone; it's a commercial bldg & is basically used for storage right now; my father bought it in 1974; since about 1990 he started renting it out - for about 10 years; it's been storage since 2000; Norm Nielson was the previous owner; he owned it since 1954 (father bought it on a contract for deed)*

*Ms. Moermond: what I need to deal with is whether or not Notice was sent to the owner of record; and notice was sent to the owner of record*

*Mr. Sullivan: there was nothing in the 880 Selby mail box*

*Ms. Moermond: I don't know what to tell you about that; there wasn't any returned mail; it's a problem of the estate, not of the city; the estate needs to keep the county up-to-date on where these bills need to go*

*Mr. Sullivan: we have taken care of any kind of debris/trash/etc at our expense*

*Ms. Seeley: this came in as a dumping complaint; in 2015, a SA went out & they took care of it*

*Mr. Sullivan: we plan to sell the property*

*Ms. Moermond: I'll go down the middle on the assessment; will decrease it by half*

*Reduce from \$526 to \$263.*

**Referred to the City Council due back on 1/17/2018**

- 17**     **RLH TA 18-3**     Ratifying the Appealed Special Tax Assessment for property at 1890 STILLWATER AVENUE. (File No. J1805G, Assessment No. 188704)

**Sponsors:**     Prince

*Delete assessment.*

*Owner had service with Advanced Disposal but didn't call the inspector and let him know so City put out container for one week.*

**Referred to the City Council due back on 2/28/2018**

- 18**     [RLH TA 18-4](#)     Ratifying the Appealed Special Tax Assessment for property at 1493 UNIVERSITY AVENUE WEST. (File No. J1804A, Assessment No. 188503)

**Sponsors:**     Stark

*Approve, no show.*

**Referred to the City Council due back on 1/17/2018**

- 19**     **RLH TA 18-20**     Ratifying the Appealed Special Tax Assessment for Property at 937 YORK AVENUE (File No. VB1805, Assessment No. 188804).

**Sponsors:** Bostrom

*Approve; no show.*

**Referred to the City Council due back on 2/28/2018**

### Special Tax Assessments - ROLLS

- 20 RLH AR 18-1** Ratifying the assessments for Boarding and/or Securing services during September 2017. (File No. J1804B, Assessment No. 188103)
- Sponsors:** Stark
- Referred to the City Council due back on 2/28/2018**
- 21 RLH AR 18-2** Ratifying the assessments for Trash Hauling services during October 4 to October 25, 2017. (File No. J1805G, Assessment No. 188704)
- Sponsors:** Stark
- Referred to the City Council due back on 2/28/2018**
- 22 RLH AR 18-3** Ratifying the assessments for Tree Removal services from May to September 2017. (File No. 1801T, Assessment No. 189000)
- Sponsors:** Stark
- Referred to the City Council due back on 2/28/2018**
- 23 RLH AR 18-4** Ratifying the assessments for Demolition services from August 2017. (File No. J1804C, Assessment No. 182003)
- Sponsors:** Stark
- Referred to the City Council due back on 2/28/2018**
- 24 RLH AR 18-5** Ratifying the assessments for Collection of Vacant Building Registration fees billed during June 7 to September 21, 2017. (File No. VB1805, Assessment No. 188804)
- Sponsors:** Stark
- Referred to the City Council due back on 2/28/2018**

### 11:00 a.m. Hearings

#### Summary Abatement Orders

- 25 [RLH SAO 18-1](#)** Making finding on the appealed nuisance abatement ordered for 373 ARLINGTON AVENUE WEST in Council File RLH SAO 17-101.
- Sponsors:** Brendmoen

*No one appeared.*

*Supervisor Lisa Martin: there is no change; the vehicles are still not in compliance; they are in the driveway; there is a dumpster out there this morning, which is from Ramsey County House Calls, I'm assuming*

*Ms. Moermond: the nuisance condition has not been abated; DSI is authorized to take action*

*Nuisance not abated.*

**Referred to the City Council due back on 1/17/2018**

- 26     [RLH SAO 18-2](#)     Making finding on the appealed nuisance abatement ordered for 1400 ARLINGTON AVENUE EAST in Council File RLH SAO 17-100.

**Sponsors:**     Bostrom

*No one appeared.*

*Ms. Moermond: referring to an email from Supervisor Paula Seeley, Paula says the commercial truck is gone; so, the nuisance condition has been abated; the matter is closed*

*Nuisance is abated.*

**Referred to the City Council due back on 1/17/2018**

- 27     [RLH SAO 18-5](#)     Appeal of Kenny Luk to a Summary Abatement Order at 666 SIMS AVENUE.

**Sponsors:**     Bostrom

*Appeal withdrawn by Appellant.*

**Withdrawn**

#### **Correction Orders**

- 28     [RLH CO 18-1](#)     Appeal of Nancy Mork and Amy Mork to a Fire Inspection Correction Notice and Correction Notice at 601 CALIFORNIA AVENUE EAST.

**Sponsors:**     Bostrom

*Amy Mork, daughter of owner, appeared.*

*Fire Supervisor Leanna Shaff:*

*-Fire Certificate of Occupancy inspection conducted by Daniel Klein (1st inspection in this cycle); there are 14 items on the list*

*-appealed: shed painting; dryer vent; permit for boiler; may have been done by prior owner but Orders follow the building*

*Ms. Mork: the boiler was an unexpected emergency repair that just happened; the reason that it's not finalized is because the work was just completed*

Ms. Shaff: the permit was pulled 11-22-17

Ms. Moermond: let the fence permit go

Ms. Shaff: we need a new permit for the dryer vent

Ms. Mork: I did call the inspector but I did not receive a call back; I left a voice mail Jan 3, 2018; the dryer vent permit was from 2010; how do I get somebody out to inspect?

Ms. Shaff: Insp Klein's notes say that the dryer is connected to a non code compliant dryer vent; it needs to be connected to the code compliant one next to it that was done under permit in 2010

Ms. Mork: when these things are completed, who do I call to final?  
-I just moved here 2 years ago from Chicago and my mom purchased this house last year; so, how do we get these permits finalized that we had nothing to do with in the first place?

Ms. Moermond: who is the contractor? Do we have that in the record from 2010?

Ms. Shaff: Benjamin Stern Heating & Cooling, 651/764-1236

Ms. Moermond: you need an extension

Ms. Mork: the shed is repaired; it was just off the hinges; there was never paint on the fence; the camper is removed; I need to move the trailer; I'm working to get the scooter out of the ground; we did not anticipate all of this; 50% if this can be done by Jan 19 without a problem

Ms. Moermond: will grant an extension to May 1, 2018 for re-inspection & Jun 30 for painting exterior items

Grant to May 1, 2018 for compliance, except for the exterior painting which is granted to June 30, 2018.

**Referred to the City Council due back on 1/17/2018**

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 29 [RLH VO 17-64](#) Appeal of Robert Stein to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1150-1152 BURR STREET.

**Sponsors:** Brendmoen

No one appeared.

Fire Supervisor Leanna Shaff: all of the items have not been addressed  
-owner met Inspector Schmidt at the property Jan 5  
1150 - basement mechanical room -provide an approved dryer vent under permit by a licensed contractor - not addressed  
1150 - basement mechanical room -washer/dryer in front of the escape window - not

addressed

1150 - there was a motorcycle in the basement with gas in the tank

cleaning gutters - not addressed

smoke detector affidavit - not addressed

1152 - someone was sleeping in the basement family room

-it's obvious that Mr. Stein continues to not manage his property

Ms. Moermond: you can't have anyone sleeping in this basement unless you separate the utility area & open up the bedroom wall

-based on the staff report, the appeal is denied

Deny the appeal.

**Referred to the City Council due back on 1/17/2018**

**30 RLH VO 18-1**

Appeal of Tou Lee to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate and Vacant Building Registration Notice at 1042 BURR STREET.

Sponsors: Brendmoen

Tou Lee, C of O responsible party, appeared.

Supervisor Leanna Shaff:

-Fire Certificate of Occupancy Condemnation inspection conducted over the New Year's weekend; fire crews were called out for a carbon monoxide issue resulting in a condemnation of the building; a malfunctioning boiler was emitting CO into the bldg plus many other code violations

-Fri, I received an email from Inspector Neis that St. Paul Plumbing & Heating had pulled permits to install a new boiler but ran into some other issues; not only was the boiler an issue but all the radiators froze & are now damaged beyond repair & need to be replaced; there's asbestos in the bldg & the crews would not work until the units were cleared out; permits are still open; we still have no heat; we're waiting for it to be totally cleaned up & repaired

Mr. Lee: entered a letter from Dudley & Smith, attorneys representing Tou Lee

Ms. Moermond: this is a letter from Dudley & Smith; it says that they represent Tou Lee & Yer Moua, owners; Mr. Lee contacted their office to attend the hearing; it was very short notice; they ask to continue the matter to an available time & date in the next 2 weeks for the hearing (scanned)

-I will continue the matter to next Tue, Jan 16, 2018 at 11:30 am to give your attorney the chance to be present

-this is a very serious matter; I'm wondering why you are appealing the Condemnation

Mr. Lee: we don't want to replace the boiler; we will put in a heater (furnace); we will remove all the boiler items

Ms. Moermond: when was the last full C of O inspection on this property?

Ms. Shaff: in 2012 & it was a Class A bldg; it is due for the next full C of O insp in Jun 2018

Ms. Moermond: I am going to ask Fire Inspections to schedule you for that routine full C of O inspection earlier than Jun 2018 because you've had this significant problem;

*I'd like that inspection to happen before I make any further decisions on this; I have significant concerns about the conditions of this building because the CO detectors were broken or missing throughout the bldg; that makes me question whether other maintenance has been neglected; we need to have it inspected in the next couple of weeks*

*Ms. Shaff: It looks like Inspector Neis did a pretty complete inspection; he has Orders on interior & exterior  
-we'd like to have things functioning when we do a full C of O inspection; either way, it's going to need a full inspection*

*Ms. Moermond: let's see if we can get your attorneys in here next week; it cannot be occupied in the meantime  
-I'm wondering whether the Certificate should be issued & the Condemnation lifted before all of these items have been addressed*

*Ms. Shaff: I would say that it shouldn't be*

*Ms. Moermond: my concern - if we're dealing with an appeal now, which puts off the VB Registration, then, getting this list taken care of would be sort of a substitute for a code compliance inspection requirement*

*Ms. Shaff: right*

*Ms. Moermond: keep doing the work; it can't be occupied in the meantime; we'll talk again next Tue; if your attorney can't make it then, we'll sort it out at that point*

**Laid Over to the Legislative Hearings due back on 1/16/2018**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 31 [RLH FCO 18-4](#) Appeal of Alyssa Nimmo to a Correction Notice - Re-inspection Complaint at 1745 GRAHAM AVENUE, #130.

**Sponsors:** Tolbert

*Alyssa Nimmo, property manager for Gateway Senior LP, (apartments) appeared.*

*Fire Supervisor Leanna Shaff:*

*-Date/Time of 1st LH: January 9, 2018; 1:30 p.m.*

*-Purpose of Appeal: Re: Flooring in Unit #130. tenant caused the damages to the flooring and should be responsible for the cost of repairs. Damage is well beyond normal wear and tear.*

*-Date of Order(s) Under Appeal: December 21, 2017*

*-Inspector/Key Staff: Mike Cassidy*

*-Legislative Hearing Staff Comments: referral came in Sep 27, 2017 for low pressure in the toilet, tile replacement in bathroom but walls not finished; tile is coming up; carpeting coming out of bathroom & living room; oven doesn't heat; Insp Cassidy responded on the 3rd; went back on 10-30; no work was done; went back again on 11-22; the manager states that the damage was caused by the tenant -they will not repair it; Insp Cassidy advised that they may wish to appeal the Orders*

*-photos attached to the file*

Ms. Nimmo: there's 121 units in that particular bldg; in the total complex, there's 579 units

-that tenant came to us about some of the items; typically, our maintenance team will take care of lights that are out, toilets not flushing, etc, typical maintenance items  
-this is a senior rental bldg under an affordable program for independent living  
-Mr. White came to us with complaints of the flooring (carpet & vinyl flooring in bathroom); we'd have to call out a vender; we took photos; I approached Mr. White & said that per his lease, this is something that we wouldn't consider regular wear & tear in the apartment; & he would be held financially responsible for the repairs because that would be considered damage in the apartment; he said that he would not pay for it & has gone to the city with it

Ms. Moermond: these are code violations & he is completely within his rights; when I look at the photos, I see a doorway where there's worn carpet on the threshold of the doorway; I'm seeing a photo of a seam in a carpet in the middle of the hallway & the carpet seams to be separating at the point of the seam, which is not the greatest carpeting in my understanding of carpet laying; it's supposed to be a continuous piece of carpeting; not with a seam in the middle of a hallway; that's a set up for a problem to happen

Ms. Nimmo: it depends on the situation; it is my understanding that the carpet had been replaced in his hallway in 2014; I'm not sure of the circumstances

Ms. Moermond: ..just not the whole hallway... you cheaped out it; that's not how professionals lay carpet; running a vacuum cleaner over it would start to lift it up one side or the other; that's a recipe for a problem; he had an extra seat for support that goes over the toilet, which may have worn a hole in the linoleum

Ms. Nimmo: the subflooring is actually crumbling, which is totally unusual for us to see in an apartment

Ms. Moermond: & you don't want to do the repairs (?)

Ms. Nimmo: it's not that I don't want to do the repairs; we're perfectly happy doing the repairs; our concern is that with this tenant & this type of damage is just going to happen over & over & over again

Ms. Moermond: so, what are you looking for today?

Ms. Nimmo: we're asking him to either perform the repairs or to be granted permission to defer the repairs until the time that the tenant moves out of the apartment

Ms. Moermond: I recommend the Council denies your appeal; you figure out yourself with your tenant on your own; these are code violations that need to be addressed

Ms. Nimmo: it obviously didn't look like that when he moved in....

Ms. Moermond: I don't care; that's not the city's problem; it's a code violation that way it is; it's your job to get it fixed unless you want the apartment to be eventually vacated because you haven't complied

-I don't agree with your assessment that this is not normal wear & tear; I think that worn carpet on the threshold of a doorway is normal wear & tear; I think that bad repairs or whatever happened in this hallway is set up for there to be lifting up of the



carpeting, which is what I see in the photo; & if there's a debate of the floor tile in the bathroom because he has supportive seating & it's in senior housing, we have one tile, then, that is possibly debatable about who is ultimately responsible

Ms. Nimmo: it's vinyl flooring; it's not tile; so, we can't just replace one tile

Ms. Moermond: that's up to you & how you settle things with your security deposits but it doesn't mean that you get to keep it in this condition; I'm kind of surprised that a professional management organization such as yourself would show up here to talk about these things; this isn't just normal course of business

-Please send the minutes & the letters to the tenant, as well: Mr. White, #130

Deny the appeal.

**Referred to the City Council due back on 2/7/2018**

**32**     [RLH FCO 18-1](#)

Appeal of Jessica L. Teske, J T Enterprises, to a Fire Inspection Correction Notice at 548 SIMPSON STREET.

**Sponsors:**        Stark

Jessica L. Teske, J. T. Enterprises LLC, owner, appeared.

Fire Supervisor Leanna Shaff:

-Date/Time of 1st LH: Tuesday, December 26, 2017, 1:30 p.m.

-Purpose of Appeal:

-#6 - I have had no repairs to the basement waste lines in the time I have owned the property. These repairs have been present through 2-3 other inspections and have not been written up. They are working just fine & I would like to not have to pay to re-do them until they are an issue.

-#9 - I believe the dryer vent was completed per a previous CO inspection at the property.

-#11 - the upstairs toilet is not rocking or sliding. I will double check this and bring a video to the appeal.

-Date of Order(s) Under Appeal: December 8, 2017

-Inspector/Key Staff: Laura Huseby-Fire C of O insp

-Legislative Hearing Staff Comments: Photos, especially of the basement waste lines and dryer venting, would be helpful. (photos added today)

-first process of the inspection cycle; Insp Huseby found 11 violations; appealed #6, #11

-#6 basement waste line; provide an approved number & type of toilet fixtures; repairs with rubber fittings are noncompliant; repair to code; contact a licensed plumber to make repairs under permit (photo)

-#11- 2nd floor toilet - repair/replace; maintain all parts of plumbing system to an operational condition; toilet is rocking, sliding; secure toilet; should also be caulked in place to help secure the stool

-Insp Huseby said the toilet was moving

Ms. Teske: #9-dryer vent; I'm not sure about it; the dryer vent in this property is metal bore; I mentioned that to Ms. Huseby; she said that she checked the permit & there wasn't any record; I think at some point, this has been written up before because I've had this property since 2004; I believe that this is my 4th inspection

Ms. Shaff: looking at the photo; looks like it's corroded (?); Ms. Teske took a look and said, "That's not the dryer vent; my dryer vent is smoother & shinier than that;" she

brought up her photo

Ms. Moermond: that's a different vent; it's an air vent; Ms. Teske's photo looks fine but it doesn't show how it connects to the outside or to the appliance; 2 more pictures would make that complete; we can have the inspector take a look; we're stuck with the photo of the vent that the inspector did take a picture of

Ms. Shaff: that one concerns me

Ms. Teske: I don't know what that is but it looks too old to be from 2004 when the furnace was installed; the air conditioner was just replaced last summer

Ms. Shaff: looks like it's leaking above that vent

Ms. Teske: I couldn't figure out the basement waste line

Ms. Shaff: showed photo - the rubber fitting is incorrect

Ms. Teske: the only other thing that I had emailed Ms. Vang yesterday & this morning was just the way that things were written up - not necessarily that the work needs to be done but what some of this language means, like the point system; it doesn't show me how many points I'm losing for each line item that's a violation

Discussion ensued re: points of some of the items, noting that this is a "C" bldg; your total is 52 pts divided by 3

Ms. Shaff: looking at these pictures I see a lot of deferred maintenance; globes not on light fixtures; major holes in the walls, etc.

Ms. Teske: I & my contractor went thru & we did not see the missing globe  
-#11 - showed Video of toilet & the toilet is not moving (4 pts); we could not get it to move

Ms. Moermond: OK; I'll give you that if you caulk it  
-by virtue of being a Class C bldg, you do qualify for rental rehab money; I think it's up to \$30,000... 0%; check city website: Rental Rehabilitation Loan Program - lists staff people  
-#9 - dryer vent - it's not conclusive as to why that deficiency was called; there's not adequate documentation; I will recommend that your appeal on the dryer vent be granted (6 pts)  
-#6 - was repaired with rubber fitting; it's not compliant; get a plumber to fix it  
-based on this conversation, how much time do you need?  
-re: the corroded item: we will have Insp Huseby & Supervisor Neis tell us what that is & we'll have a clear Order; we will attach it to the record; will email/mail it to you

Ms. Teske: I'd prefer to do the windows (#1, #3, #8) in the spring

Ms. Moermond: I'll go with #1 & #3 but not #8; that's the sash (could be a fire problem)  
-I trust that you'll make the window stay open so someone can get out; I trust that you will ensure that shoveling is going on; & get that light taken care of  
-I will recommend until Apr 1 to complete the list

Grant the appeal on Item 9 (dryer vent); grant the appeal on Item 11 (2nd flr toilet)

*provided owner caulk the toilet and grant to April 1, 2018 to comply with the remaining items.*

**Referred to the City Council due back on 2/7/2018**

**33 RLH FCO  
17-230**

Appeal of Jack Hurley, Champion Apartments, to a Correction Notice-Reinspection Complaint at 200 WINTHROP STREET SOUTH.

**Sponsors:** Prince

*Staff Report only. No one appeared.*

*Ms. Moermond: the sprinkler deal*

*-in reviewing this, there was a follow up email between our sprinkler inspector, Jeff Hemingway & someone at Viking, Tyler Williams; & the only thing we got in writing as the result of their conversation & inspection was an agreement of the number of sprinkler heads being 2042; that doesn't tell me if they are all side wall mounted ones that needed to be replaced; they were asked but didn't provide any more specific information that would have allowed me to tailor the timelines*

*Fire Supervisor Leanna Shaff: in the email, Tyler says, "Hello, Jeff, when you met with them, we looked at a few different ones..... I used an average head per unit to get my total head count; 1 bedroom = 7 heads x 110 units = 770 heads; 2 bedrooms = 10 heads x 62 units = 620 heads; 3 bedrooms = 14 heads x 44 units = 616 heads; laundry rooms = 2 heads x 6 units = 12 heads; storage units = 4 heads x 8 units = 24 heads. Please feel free to call with questions"*

*Ms. Moermond: that doesn't give me a sense of whether or not every single head needs to be replaced based on the Dyne test*

*-not knowing whether or not every single head needs to be replaced, I'll grant 180 days to replace the heads & come into compliance with the Orders*

*—  
Grant 180 days to comply with the sprinkler head issue.*

**Referred to the City Council due back on 2/7/2018**

## 2:30 p.m. Hearings

### Vacant Building Registrations

**34 [RLH VBR 18-1](#)**

Appeal of Bryndee Barton/Our Flipping Family to a Vacant Building Registration Fee Warning Letter at 445 MOUNT IDA STREET.

**Sponsors:** Brendmoen

*DSI staff and owner have reached an agreement on the fees. Appeal withdrawn.*

**Withdrawn**

**35 [RLH CO 18-2](#)**

Appeal of Linda Cerreno to a Correction Notice at 670 SIMS AVENUE.

**Sponsors:** Bostrom

*Rescheduled per owner's request.*

Laid Over to the Legislative Hearings due back on 1/16/2018